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THE

STATUTES IN FORCE

RELATING TO

THE POOR LAWS;

TO

BOARDS OF GUARDIANS, DISTRICT SCHOOL AND ASYLUM MANAGERS, OVERSEERS,

AND THE

LOCAL GOVERNMENT BOARD,

FROM

43 ELIZ. TO 42 VICT.

TOGETHER WITH

Digests of the Decisions of the Courts upon each Statute.

IN THREE VOLUMES.

BY

WILLIAM CUNNINGHAM GLEN,

BARRISTER-AT-LAW.

VOL. III.

London:

SHAW AND SONS, FETTER LANE,

Law Publishers.

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ADVERTISEMENT.

In compliance with many urgent requests I have collated the statutes affecting Poor Law Administration and Poor Law Authorities which have been passed since the publication of the work generally known as "Glen's Poor Law Statutes," and which are now published as the Third Volume. All the Cases upon the Statutes contained in Vols. 1, 2, and 3 are brought down to the date of publication, and will be found to be considerable in number.

W. C. G.

4, Garden Court,
Temple.

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THE

STATUTES IN FORCE

RELATING TO

THE POOR, GUARDIANS, OVERSEERS, UNIONS AND PARISHES.

36 VICT. CHAP. 9.

AN ACT to amend the Bastardy Laws. [24th April, 1873.]

WHEREAS an Act was passed in the thirty-fifth and thirty-sixth years of the reign of Her Majesty, chapter sixty-five, intituled "The Bastardy Laws Amendment Act, 1872:"

And whereas it is expedient to amend the said recited Act:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "The Bastardy Laws Amendment Act, 1873." Short title.

2. The sixth and eighth sections of the said recited Act and the Second Schedule thereto are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken before the passing of this Act. Repeal of sects. 6 and 8 of recited Act and Second Schedule thereto.

3. Any woman delivered of a bastard child on or before the tenth day of August one thousand eight hundred and seventy-two, who, but for the repeal by the said recited Act of the enactments specified in the First Schedule hereto would have been entitled to apply for a summons against the putative Revival of rights under repealed enactments.

father of such child, shall be entitled to apply for such summons as follows:—

In any case in which she would have been entitled to apply at any time within twelve months from the birth of the child, she shall be entitled to apply at any time within six months next after the passing of this Act;

And in any case in which she would have been entitled to apply at any time after twelve months from the birth of the child, upon proof that the man alleged to be the father of the child had within the twelve months next after the birth of the child paid money for its maintenance, she shall be entitled to apply at any time after the passing of this Act upon the like proof;

And upon any such application the same proceedings shall or may be taken, and the same consequences, including all rights of appeal, shall or may ensue, as should or might have been taken or have ensued if the said enactments had not been repealed by the said recited Act.

Proof of service of summons in certain cases.

4. In cases where the putative father of any bastard child resides out of the petty sessional district where the mother applies for a summons or order of maintenance, it shall be lawful to prove by affidavit in the form referred to in the Second Schedule to this Act, or to the like effect, that such summons or order has been duly served. Any affidavit purporting to be so made and attested shall be received in evidence, and shall be deemed to be duly made and attested until the contrary be shown.

Guardians may recover cost of relief of bastard child in certain cases.

5. When a bastard child becomes chargeable to a union or parish, the guardians may apply to two justices having jurisdiction in the union or parish, in petty sessions, and thereupon such justices may summon the man alleged to be the father of the child to appear before any two justices having the like jurisdiction, to show cause why an order should not be made upon him to contribute towards the relief of the child, and upon his appearance, or on proof that the summons was duly served on him, or left at his last place of abode, six days at least before the petty session, the justices in such petty session shall hear the evidence of the mother and such other evidence as she or the said guardians may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the mother be corroborated

in some material particular by other evidence to the satisfaction of the said justices, they may adjudge the man to be the putative father of such bastard child, and they may proceed to make an order upon such putative father to pay to the guardians or one of their officers such sum, weekly or otherwise, towards the relief of the child during such time as the child shall continue or afterwards be chargeable, as shall appear to them to be proper (*a*); and any payment so ordered to be made shall be recoverable by the relieving officer, or other officer appointed to receive it, in the manner provided by the said recited Act for the recovery of payments under an order obtained by the mother: Provided as follows:—

1. That no payments shall be recoverable under such order except in respect of the time during which the child is actually in receipt of relief:

2. That an order under this section shall not be made, and if made shall cease, except for the recovery of arrears, when the mother of the child has obtained an order under the said recited Act or this Act;

3. That nothing in this section shall be deemed to relieve the mother of a bastard child from her liability to maintain such child;

4. That any person upon whom an order is made under this section shall have the same right of appeal against such order as in the case of an order obtained on the application of the mother;

5. That if after an order has been made under this section the mother should apply for an order under the said recited Act or this Act, the order made under this section shall be *primâ facie* evidence that the man upon whom the order is made is the father of the child.

Issue of new or altered forms of proceedings

6. The Local Government Board may issue such new or altered forms of proceedings in matters of bastardy as they shall deem necessary or expedient for giving effect to the provisions of the said recited Act and of this Act (*b*).

Adjournment of proceedings where two justices not present.

7. If at the time appointed for the hearing of any case in

(*a*) See 39 & 40 Vict. c. 61, s. 24, as to costs.

(*b*) The Local Government Board issued two General Orders in pursuance of this section, dated respectively the 4th August, 1873, and 8th January, 1874. They will be found in Glen's Poor Law Orders, 8th Edition, pp. 758, 789; but are not otherwise readily accessible.

and by any summons issued under the said recited Act or this Act two justices having jurisdiction to hear the same shall not be present, it shall be lawful for any one justice then present to adjourn the hearing to a certain time and place to be then appointed in the presence of the party or parties or their respective counsel, attorneys, or agents then present; and in the meantime the said justice may suffer the defendant to go at large upon his entering into a recognizance with or without surety or sureties, at the discretion of the said justice, conditioned for his appearance at the time and place to which such hearing shall be adjourned.

Orders made by justices before passing of this Act valid.

8. All orders made by any justices of the peace before the passing of this Act upon the putative father of any bastard child born before the tenth day of August one thousand eight hundred and seventy-two, for any payment to be made by such putative father in respect of such child, which would have been valid if the "Bastardy Laws Amendment Act, 1872," had not passed, and which shall not have been appealed against before the passing of this Act, shall be, and be deemed to have been, valid and effectual in law, to all intents and purposes whatsoever.

This and recited Act to be construed as one Act.

9. This Act shall be deemed to be incorporated with the said recited Act, and shall be construed as if the said recited Act (except such parts thereof as have been repealed or amended by this Act) and this Act were one Act.

Not to extend to Scotland or Ireland.

10. This Act shall not extend to Scotland or Ireland.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

7 & 8 Vict. c. 101.	An Act for the further Amendment of the Laws relating to the Poor in England.	Sections 2 and 3; section 5 from "Provided always" to end of section; and section 7 to "Provided always."

SECOND SCHEDULE.

Affidavit of Service.

I, *A. B.*, one of the officers of the constabulary of the county of , make oath and say, that I did, on the day

of 18 , duly serve the defendant with a summons [*or* order], a true copy whereof is herewith annexed, marked A, by delivering the same personally to the defendant [*or* by leaving the same with at the place of abode of the defendant].

[I endorse the copy summons (*or* order) thus
This paper, marked A, is the paper referred to in the annexed affidavit.]

Sworn at , in the county of , this
day of 18 , before me,
J. B.,
Justice of the Peace for the said county.

---

36 VICT. CHAP. 19.

AN ACT for making better provision for the management in certain cases of Lands allotted under Local Acts of Inclosure for the benefit of the Poor. [15th May, 1873.]

"WHEREAS it is expedient to provide for the better management in certain cases of lands allotted under Local Acts of inclosure for the benefit of the poor, and for the better administration of the law respecting such allotments in places in which the number of allotment wardens, trustees, or other functionaries appointed for the holding or managing such lands is larger than is found convenient for the proper management of the same:"

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

1. In this Act "Local Act of inclosure" shall mean any Act for the inclosure of land passed before the Act of the eighth and ninth year of the reign of Her present Majesty, chapter one hundred and eighteen, which Act with the subsequent Acts amending the same is intituled "The Acts for the inclosure, exchange, and improvement of land;" and "allotment trustees" shall mean any allotment wardens, trustees, or other functionaries appointed for or lawfully acting in the holding or managing lands intended for or being allotments under any

Interpretation.

Local Act of inclosure for the benefit of the poor, or for field gardens, or recreation grounds, or for any public purpose.

Short title.

2. This Act may be cited as "The Poor Allotments Management Act, 1873."

Appointment of committees in certain cases for management of allotments.

3. A committee of not more than twelve nor less than six members of their own body (the number to be from time to time fixed by the appointing body) shall be appointed annually by the following authorities; that is to say:—

(1). By the allotment trustees, or a majority of votes of the allotment trustees present and voting at a meeting summoned as in this Act provided, where the number of allotment trustees for the time being exceeds twenty; and

(2) By the vestry of any parish empowered to make an order in respect of poor allotments in pursuance of the Act of the second year of King William the Fourth, chapter forty-two, intituled "An Act to authorize (in parishes enclosed under any Act of Parliament) the letting of the poor allotments in small portions to industrious cottagers," where the number of persons for the time being entitled to attend such vestry exceeds twenty.

Committee to exercise powers of authority appointing it.

4. A committee appointed in pursuance of this Act shall, during the year of their continuance in office, be substituted for and exercise, in respect of lands intended for or being such allotments as in this Act mentioned, all the powers of the allotment trustees (including all powers incident to their estate and ownership), or, as the case may be, of the vestry by which they were appointed.

Appointment of committee to be made annually in August.

5. The appointment of a committee in pursuance of this Act shall take place annually, and the person whose duty it is to summon meetings of any such allotment trustees or vestry as aforesaid shall summon within twelve months after the passing of this Act, for the purpose of appointing a committee as required by this Act, a first meeting of the allotment trustees or vestry of which he is the summoning officer, or meetings whereof he is authorized to summon, and to summon a meeting of the same body for the like purpose, to be held in the month of August in every year thereafter.

6. Any three trustees may summon a meeting of allotment trustees for the purposes of this Act by notice published in the manner in which notices of meetings of vestry are usually published in the place where the allotments or any parts thereof are situate of which such persons are trustees. How meetings of appointing authority to be summoned.

7. A committee appointed in pursuance of this Act may elect a chairman of its meetings, and if no chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. A committee may meet or adjourn as it thinks proper. The quorum of a committee shall consist of such number of members as may be prescribed by the authority that appointed it, or, if no number be prescribed, of three members. Every question at a meeting of a committee shall be determined by a majority of votes of the members present and voting on that question, and in case of an equal division of votes the chairman shall have a second or casting vote. Chairman of committee. Adjournment of committee. Quorum.

8. The proceedings of a committee shall not be invalidated by any vacancy or vacancies among its members. Any casual vacancy or vacancies occurring during the year of office in the members of a committee may be filled by the committee itself by the appointment of a person or persons qualified as a member or members of the appointing body to be appointed thereon. Vacancies in committees.

9. If any authority required by this Act to appoint a committee fail to make such appointment within the time limited for making the same, the Inclosure Commissioners for England and Wales may, on the application of any person interested, appoint a committee of persons qualified as members of the body authorized by this Act to appoint the committee to be so appointed; and before making such appointment the Inclosure Commissioners shall give such notice of their intention to proceed on the application, and shall, by an assistant commissioner or otherwise, institute such local inquiry and hear such parties, and shall require such security from the applicant or upon the income of any allotment for payment of any expenses incurred by them as having regard to the circumstances of the application, they think fit, and shall have power to call for the production of any award rate book or public document which they may think it necessary or proper to inspect. Inclosure commissioners may appoint committee if authority fail to do so.

Repeal of provision of 2 Will. 4, c. 42.

10. The provision in the hereinbefore mentioned Act of the second year of King William the Fourth, whereby no allotment is to be made of less than one quarter of an acre, is hereby repealed (*a*).

Operation of notice to quit.

11. The notice to quit mentioned in the fifth section of the last-mentioned Act of the second year of King William the Fourth may be given by a committee, under the hands of any three of its members, for any cause deemed by it sufficient and proper, and shall operate and have effect in the same manner and to the same extent as a notice to quit given for any such cause as in that section mentioned.

Rent may be required for year in advance.

12. Notwithstanding anything in the said Act of the second year of King William the Fourth contained, it shall be lawful for the authority executing the powers thereof, or of this Act, to require the rent for any land let under it to be paid for the whole year in advance (*b*).

Provision for rates, tithes, and taxes on lands.

13. In all cases in which lands shall be let under the provisions of the said Act of the second year of King William the Fourth, or of this Act, the allotment trustees or the overseers and churchwardens or other functionaries in whom the same may be vested shall for all purposes of rates and taxes be deemed the occupiers of such lands as shall from time to time be so let, and shall pay all rates, taxes, and tithe rentcharge (if any) in respect of the lands so let, and the amount from time to time so paid by them shall be retained by or repaid to them out of the rents received on account of the lands so let before any other application thereof.

Application of rents of land obtained by churchwardens and overseers for the employment of the poor.

14. So much of the said Act of the second year of His Majesty King William the Fourth as provides for the application of rents of lands let under the provisions thereof (*c*) shall not apply to rents of lands acquired under any of the Public General Acts passed in the fifty-ninth year of King George the Third, chapter twelve (*d*) and the first and second years of King William the Fourth, chapters forty-two (*e*) and fifty-nine (*f*), by guardians or churchwardens and overseers of the poor for the

(*a*) See 2 Will. 4, c. 42, s. 1, vol. 1, p. 494.
(*b*) See *ibid.* s. 4, vol. 1, p. 495.
(*c*) See 2 Will. 4, c. 42, s. 8, vol. 1, p. 496.
(*d*) See 59 Geo. 3, c. 12, ss. 12, 13, vol. 1, p. 401.
(*e*) See 1 & 2 Will. 4, c. 42, s. 1, vol. 1, p. 481.
(*f*) See 1 & 2 Will. 4, c. 59, s. 1, vol. 1, p. 482.

purposes of those Acts, or any of them, but the rents of such lands shall, after deducting all proper charges, be applied in aid of the poor rate of the parish in which such lands are situate.

Lands acquired by churchwardens and overseers and unfit for the purposes to be dealt with under 5 & 6 Will. 4, c. 69, s. 3.

15. Where any land has been acquired under the said last-recited Acts, or any of them, by guardians or churchwardens and overseers of the poor of any parish for the purposes of those Acts, and such purposes cannot in the judgment of the board of guardians of the parish, or as the case may be, of the union comprising such parish, be carried into effect, the same lands shall be sold, exchanged, let, or otherwise disposed of in the manner prescribed by the third section of the Act of the fifth and sixth years of King William the Fourth, chapter sixty-nine.

Act not to affect jurisdiction of Charity Commissioners.

16. Nothing in this Act contained shall prejudice or affect any scheme made by the Charity Commissioners for England and Wales in exercise of the powers in that behalf conferred upon them by "The Charitable Trusts Act, 1853," or any Act amending the same, in respect of any allotment being a charity within the jurisdiction of those commissioners, or shall exclude or impair any jurisdiction or authority of those commissioners.

Extent of Act.

17. This Act shall extend only to England and Wales.

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36 & 37 VICT. CHAP. 48.

AN ACT to make better provision for carrying into effect the Railway and Canal Traffic Act, 1854, and for other purposes connected therewith. [21st July, 1873.]

* * * * *

Short title.

1. This Act may be cited as the Regulation of Railways Act, 1873.

* * * * *

Definitions.

3. In this Act—

The term "railway company" includes any person being the owner or lessee of or working any railway in the United Kingdom constructed or carried on under the powers of any Act of Parliament:

The term "canal company" includes any person being the owner or lessee of, or working, or entitled to charge tolls for the use of any canal in the United Kingdom constructed or carried on under the powers of any Act of Parliament:

The term "person" includes a body of persons corporate or unincorporate:

The term "railway" includes every station, siding, wharf, or dock of or belonging to such railway and used for the purposes of public traffic:

The term "canal" includes any navigation which has been made under or upon which tolls may be levied by authority of parliament, and also the wharves and landing-places of and belonging to such canal or navigation, and used for the purposes of public traffic.

* * * * *

Power to refer differences to commissioners.

9. Any difference to which a railway company or canal company is a party, may, on the application of the parties to the difference, and with the assent of the commissioners, be referred to them for their decision.

* * * * *

Orders of commissioners.

26. Any decision or any order made by the commissioners for the purpose of carrying into effect any of the provisions of this Act may be made a rule or order of any superior court, and shall be enforced either in the manner directed by section three of the Railway and Canal Traffic Act, 1854, as to the writs and orders therein mentioned, or in like manner as any rule or order of such court.

For the purpose of carrying into effect this section, general rules and orders may be made by any superior court in the same manner as general rules and orders may be made with respect to any other proceedings in such court (*a*).

The commissioners may review and rescind or vary any decision or order previously made by them or any of them.

The commissioners shall, in all proceedings before them under sections 6, 11, 12, and 13 of this Act, and may, if they think fit, in all other proceedings before them under this Act, at the

(*a*) The general rules made by the railway commissioners under this enactment will be found in the 13th edition of Archbold's Poor Laws, by W. C. Glen, p. 991.

instance of any party to the proceedings before them, and upon such security being given by the appellant as the commissioners may direct, state a case in writing for the opinion of any superior court determined by the commissioners upon any question which in the opinion of the commissioners is a question of law.

The court to which the case is transmitted shall hear and determine the question or questions of law arising thereon, and shall thereupon reverse, affirm, or amend the determination in respect of which the case has been stated, or remit the matter to the commissioners with the opinion of the court thereon, or may make such other order in relation to the matter, and may make such order as to costs, as to the court may seem fit, and all such orders shall be final and conclusive on all parties: Provided that the commissioners shall not be liable to any costs in respect or by reason of any such appeal.

The operation of any decision or order made by the commissioners shall not be stayed pending the decision of any such appeal, unless the commissioners shall otherwise order.

Save as aforesaid, every decision and order of the commissioners shall be final.

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37 & 38 VICT. CHAP. 54.

AN ACT to amend the Law respecting the Liability and Valuation of certain Property for the purpose of Rates.

[7th August, 1874.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "The Rating Act, 1874." Short title.

2. This Act shall not apply to Scotland or Ireland. Extent of Act.

3. Whereas by the Act of the forty-third year of the reign of Queen Elizabeth, chapter two, intituled "An Act for the relief of the poor," it is provided that a poor rate shall be raised in Abolition of certain exemptions from rating.

every parish by taxation of, amongst other persons, every occupier of certain hereditaments in such parish (*a*); and it is expedient to extend the said Act, and the Acts amending the same (which Act and Acts are in this Act referred to as the Poor Rate Acts), to hereditaments other than those mentioned in the said Act; Be it therefore enacted that,—

From and after the commencement of this Act the Poor Rate Acts shall extend to the following hereditaments in like manner as if they were mentioned in the recited Act of the forty-third year of the reign of Queen Elizabeth (*a*); that is to say:—

(1). To land used for a plantation or a wood or for the growth of saleable underwood, and not subject to any right of common;

(2). To rights of fowling, of shooting, of taking or killing game or rabbits, and of fishing, when severed from the occupation of the land; and

(3). To mines of every kind not mentioned in the recited Act.

Valuation of land used as plantation, &c.

4. The gross and rateable value (*b*) of any land used for a plantation or a wood, or for the growth of saleable underwood, shall be estimated as follows:—

(*a*.) If the land is used only for a plantation or a wood, the value shall be estimated as if the land instead of being a plantation or a wood were let and occupied in its natural and unimproved state:

(*b*). If the land is used for the growth of saleable underwood, the value shall be estimated as if the land were let for that purpose:

(*c*). If the land is used both for a plantation or a wood and for the growth of saleable underwood, the value shall be estimated either as if the land were used only for a plantation or a wood, or as if the land were used only for the growth of the saleable underwood growing thereon, as the assessment committee may determine.

Deduction of rate by tenant of

5. Where the rateable value of any land used for a plantation or a wood, or both for a plantation or wood and for the

(*a*) See 43 Eliz. c. 2, s. 1.
(*b*) See 6 & 7 Will. 4, c. 96, s. 1, and 25 & 26 Vict. c. 103, s. 17.

growth of saleable underwood, is increased by reason of the same being estimated in accordance with this Act, the occupier of that land under any lease or agreement made before the commencement of this Act, may, during the continuance of the lease or agreement, deduct from his rent any poor or other local rate, or any portion thereof, which is paid by him in respect of such increase of rateable value, and every assessment committee, on the application of such occupier, shall certify in the valuation list or otherwise the fact and amount of such increase. plantation, &c.

6. (1). Where any right of fowling, or of shooting, or of taking or killing game or rabbits, or of fishing (hereinafter referred to as a right of sporting) is severed from the occupation of the land and is not let, and the owner of such right receives rent for the land, the said right shall not be separately valued or rated, but the gross and rateable value of the land shall be estimated as if the said right were not severed; and in such case if the rateable value is increased by reason of its being so estimated, but not otherwise, the occupier of the land may (unless he has specifically contracted to pay such rate in the event of an increase) deduct from his rent such portion of any poor or other local rate as is paid by him in respect of such increase; and every assessment committee, on the application of the occupier, shall certify in the valuation list or otherwise the fact and amount of such increase. Valuation and rating of rights of shooting, &c.

(2). Where any right of sporting, when severed from the occupation of the land, is let, either the owner or the lessee thereof, according as the persons making the rate determine, may be rated as the occupier thereof.

(3). Subject to the foregoing provisions of this section the owner of any right of sporting, when severed from the occupation of the land, may be rated as the occupier thereof.

(4). For the purposes of this section, the person who, if the right of sporting is not let, is entitled to exercise the right, or who, if the right is let, is entitled to receive the rent for the same, shall be deemed to be the owner of the right.

7. Where a tin, lead, or copper mine is occupied under a lease or leases granted without fine on a reservation wholly or Gross and rateable

value of tin, lead, and copper mines.

partly of dues or rent, the gross value of the mine shall be taken to be the annual amount of the whole of the dues payable in respect thereof during the year ending on the thirty-first day of December preceding the date at which the valuation list is made, in addition to the annual amount of any fixed rent reserved for the same which may not be paid or satisfied by such dues.

The rateable annual value of such mine shall be the same as the gross value thereof, except that where the person receiving the dues or rent is liable for repairs, insurance, or other expenses necessary to maintain the mine in a state to command the annual amount of dues or rent, the average annual cost of the repairs, insurance, and other expenses for which he is so liable shall be deducted from the gross value for the purpose of calculating the rateable value.

In the following cases, namely,—

1. Where any such mine is occupied under a lease granted wholly or partly on a fine; and

2. Where any such mine is occupied and worked by the owner; and

3. In the case of any other such mine which is not excepted from the provisions of this Act and to which the foregoing provisions of this section do not apply;

the gross and rateable annual value of the mine shall be taken to be the annual amount of the dues or dues and rent at which the mine might be reasonably expected to let without fine on a lease of the ordinary duration, according to the usage of the country, if the tenant undertook to pay all tenants rates and taxes and tithe rentcharge, and also the repairs, insurance, and other expenses necessary to maintain the mine in a state to command such annual amount of dues or dues and rent.

The purser, secretary, and chief managing agent for the time being of any tin, lead, or copper mine, or any of them, may, if the overseers or other rating authority think fit, be rated as the occupier thereof.

In this section—

The term "mine," when a mine is occupied under a lease, includes the underground workings and the engines, machinery, workshops, tramways, and other plant, buildings (not being dwelling-houses), and works and surface of land

occupied in connexion with and for the purposes of the mine, and situate within the boundaries of the land comprised in the lease or leases under which the dues or dues and rent are payable or reserved :

The term "dues" means dues, royalty, or toll, either in money or partly in money and partly in kind; and the amount of dues which are reserved in kind means the value of such dues :

The term "lease" means lease or sett, or license to work, or agreement for a lease or sett, or license to work :

The term "fine" means fine, premium, or foregift, or other payment or consideration in the nature thereof.

Deduction of rate by tenant of mine.

8. Where any poor or other local rate which at the commencement of this Act any lessee, licensee, or grantee of a mine is exempt from being rated to in respect of such mine, becomes payable by him in respect of such mine during the continuance of his lease, grant, or license, or before the arrival of the period at which the amount of the rent, royalty, or dues is liable to revision or re-adjustment, he may (unless he has specifically contracted to pay such rate in the event of the abolition of the said exemption) deduct from any rent, royalty, or dues payable by him one half of any such rate paid by him : (*a*)

Provided that he shall not deduct any sum exceeding what one half of the rate in the pound of such poor or other local rate would amount to if calculated upon the rent, royalty, or dues so payable by him.

General provision as to deduction of rates.

9. Where any occupier, lessee, licensee, grantee, or other person is authorized by this Act to deduct any rate or sum in respect of a rate from any rent, royalty, or dues payable by him, then—

(1). Any payment so authorized to be deducted shall be a good discharge for such amount of rent, royalty, or dues as is equal to the amount of such payment, and shall be allowed accordingly.

(2). Any payment so authorised to be deducted may be recovered as an ordinary debt from the person to whom the rent, royalty, or dues may be payable.

(*a*) See *Duke of Devonshire* v. *Barrow Hæmatite Steel Company, post,* p. 214; and *Chaloner* v. *Bolckow, post,* p. 215.

(3). The person receiving the rent, royalty, or dues shall have the same right of appeal and objection with reference to the rate and to the valuation of the hereditament in respect of which the rate is payable as he would have if he were the occupier of such hereditament.

Liability of property to local rates as well as poor rates.

10. After the commencement of this Act, the hereditaments to which the Poor Rate Acts are extended by this Act, and which are thus made rateable to the relief of the poor, shall be rateable to all local rates in like manner as if the Poor Rate Acts had always extended to such hereditaments.

Commencement of Act.

11. This Act, for the purpose of enabling any hereditament to be included in or omitted from or valued for the purposes of a valuation list or a supplemental or provisional valuation list which will come into force after the sixth day of April one thousand eight hundred and seventy-five, shall come into operation on the passing thereof; but save as aforesaid, or as is otherwise expressly provided by this Act, shall come into operation on the sixth day of April one thousand eight hundred and seventy-five; and the expression "commencement of this Act" shall in this Act be construed accordingly (*a*).

As to provisions of Sanitary Acts as defined by 35 & 36 Vict. c. 79.

12. The provisions of the Sanitary Acts, as defined by the Public Health Act, 1872, with respect to any special assessment of wood lands for the purpose of any rate under those Acts shall be deemed to extend to and include land used for a plantation or a wood, or for the growth of saleable underwood, or for both such purposes, and made rateable by this Act to the poor rate.

Saving as to mine where dues payable in kind.

13. Nothing in this Act shall apply to a mine of which the royalty or dues are for the time being wholly reserved in kind, or to the owner or occupier thereof (*b*).

Repeal of 43 Eliz. c. 2, as to saleable underwood.

14. So much of the Act of the forty-third year of the reign of Queen Elizabeth, chapter two, intituled "An Act for the relief of the poor," as relates to the taxation of an occupier of saleable underwoods is hereby repealed as from the date at which the provisions of this Act with respect to the taxation of occupiers of land used for the growth of saleable underwood come into operation (*c*).

(*a*) See 25 & 26 Vict. c. 103; 27 & 28 Vict. c. 39, and 32 & 33 Vict. c. 67.
(*b*) See *Van Mining Company* v. *Llanidloes*, *post*, p. 215.
(*c*) See 43 Eliz. c. 2, s. 1.

The term "local rate" means any county rate, borough rate, highway rate, and other local rate leviable upon property rateable to the relief of the poor:

The term "valuation list" means, as regards any parish or place for which there is no valuation list, the poor rate:

The term "assessment committee" means, in relation to any parish or place where there is no assessment committee, the persons having power to make and assess the poor rate in such parish or place.

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37 & 38 VICT. CHAP. 75.

AN Act to explain the Vaccination Act, 1871.

[7th August, 1874.]

WHEREAS by section five of the Vaccination Act, 1871 (*a*), it is enacted, amongst other things, that, subject to the provisions of that Act, the Local Government Board shall have the same powers with respect to guardians and vaccination officers in matters relating to vaccination as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor, and may make rules, orders, and regulations accordingly: 34 & 35 Vict. c. 38, s. 5.

And whereas doubts are entertained whether the Local Government Board are empowered under the said Act to make rules, orders, and regulations with respect to the proceedings to be taken by the guardians or their officers for the enforcement of the provisions of the Vaccination Acts, 1867 and 1871:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The powers conferred by the said recited section shall be deemed to extend to and include the making of rules, orders, and regulations prescribing the duties of guardians and their officers in relation to the institution and conduct of the proceedings to be taken for enforcing the provisions of the said Acts, and the payment of the costs and expenses relating thereto, and rules, orders, and regulations under this Act shall be deemed to be made under the said section. Rules under 34 & 35 Vict. c. 98, to extend to proceedings and expenses.

2. This Act may be cited as the Vaccination Act, 1874. Short title.

(*a*) See vol. 2, p. 1429.

38 & 39 VICT. CHAP. 33.

AN ACT to amend the Metropolis Management Acts.

[29th June, 1875.]

WHEREAS by section one hundred and sixty-three of the Metropolis Management Act, 1855, it is provided that any sewers rate raised under that Act shall, as regards all land used as arable, meadow, or pasture ground only, or as woodland, orchard, market garden, hop, herb, flower, fruit, or nursery ground, be assessed and levied in the proportion of one fourth part only of the net annual value of such land:

And whereas by section one hundred and sixty-four of the same Act it is also provided that where any property was, at the time of the issuing of the first commission under the Act of the eleventh and twelfth years of Her Majesty, chapter one hundred and twelve, entitled an exemption from or to any reduction or allowance in respect of the sewers rate, such exemption, reduction, or allowance shall be observed and allowed in levying any sewers rate under the Act:

And whereas by virtue of the said recited Act, and the Acts amending the same, the Metropolitan Board of Works do assess the several parts of the metropolis according to the basis on which the printed totals of the valuation lists sent out by the clerk of the managers of the Metropolitan Asylum District under "The Valuation (Metropolis) Act, 1869," are made, and issue their precepts for sums of money which, by reason of the recited exemptions, cannot be levied upon some of the property included in such assessment, or can only be levied at one fourth of the amount included in such assessment, whereby the parts of the metropolis wherein such exemptions exist are compelled to make a rate at an increased amount in order to meet such precepts:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

Metropolitan Board of Works to make abatement on assessment of parts of metropolis containing exempt property.

1. From and after the sixth day of April one thousand eight hundred and seventy-six the Metropolitan Board of Works, in every assessment made by them upon such parts of the metropolis as contain property wholly or partially exempt from sewers rate, and in the precepts issued for obtaining payment of the sums so assessed, shall make an allowance or abatement

equal to the reduction or exemption which, under the one hundred and sixty-third and one hundred and sixty-fourth sections of the Metropolis Management Act, 1855, is required to be made in levying any rate for the purpose of meeting such precepts.

ing property exempt from sewers rate.

2. The overseers and assessment committees acting under the Valuation (Metropolis) Act, 1869 (*a*) shall cause the totals of the gross and rateable value of the property so wholly or partially exempt from sewers rate, and the extent of such exemption, to be ascertained and inserted in the valuation lists which will come into force on the sixth day of April one thousand eight hundred and seventy-six, and in every valuation list which shall thereafter be made by them.

Totals of value of property so exempt to be inserted in valuation lists.

3. The said lists shall be sent by the assessment committees before the first day of November in each year to the clerk of the managers of the Metropolitan Asylum District, who shall print and send the said totals and extent of exemptions, with the other totals of gross and rateable value required to be printed and sent by the seventeenth section of the said Valuation (Metropolis) Act, 1869 (*b*).

Totals to be printed.

4. Any unfairness or incorrectness in the said totals and extent of exemptions may be appealed against in the manner provided for appealing against totals of gross or rateable value under section thirty-two of the Valuation (Metropolis) Act, 1869 (*c*).

Appeal in cases of unfairness, &c.

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38 & 39 VICT. CHAP. 65.

AN ACT for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works, and for other purposes. [11th August, 1875.]

WHEREAS it is expedient that the raising of money by the Metropolitan Board of Works for the following purposes:—

(*a.*) Expenditure by them for general improvements and contributions;

(*b.*) Fire brigade purposes;

(*c.*) Loans to vestries and district boards and boards of guardians and some other bodies;

be regulated, and that provision be made requiring that the

(*a*) See 32 & 33 Vict. c. 67, ss. 7–9 and 46, Vol. 2, pp. 1363, 1375.
(*b*) See *ib.* s. 17, Vol. 2, p. 1365.
(*c*) See *ib.* s. 23-41, Vol. 2, pp. 1366, 1371.

borrowing powers granted to the board by parliament should for the future be limited both in time and in amount, and that in some other respects powers and provisions of and relating to the board be extended and modified:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as The Metropolitan Board of Works (Loans) Act, 1875.

Construction of Act.

This Act shall be read and have effect as one with The Metropolitan Board of Works (Loan) Acts, 1869 to 1871.

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Power for Board to lend to board of guardians.

5. Where a board of guardians of a union or parish, wholly or for the greater part in the metropolis, as defined in The Metropolis Management Act, 1855, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-six, the board may lend to the board of guardians, and the board of guardians may borrow from the board, such money as the board think fit and as the board of guardians are authorized and desire to borrow.

The aggregate amount lent by the board under this section shall not exceed one hundred thousand pounds.

The board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.

The board shall from time to time carry to the consolidated loan fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to lend to corporation, burial board, &c.

6. Where any corporation, body of commissioners, burial board, or other public body, having power to levy, directly or indirectly, rates in respect of lands in the metropolis, as defined in The Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis, as so defined, or to take within the metropolis, as so defined, dues or impositions in the nature of rates, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-six, with the approval of the Treasury, the board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the board, such money as the board think fit, and as the corporation, commissioners, burial board, or other public body are authorized and desire to borrow.

The aggregate amount lent by the board under this section shall not exceed fifty thousand pounds.

The board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the board and the borrowers, with the approval of the Treasury, agree, not exceeding, in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the board shall, from time to time, carry to the consolidated loans fund such sums as the Treasury approve as being, in their opinion, sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of the managers of the Metropolitan Asylum District or of the Schoolboard for London.

Extension of amount of loans by board

7. The board may, from time to time, up to the thirty-first day of December, one thousand eight hundred and seventy-six,

for metropolitan asylum district.

lend to the managers of the Metropolitan Asylum District, in addition the sum of five hundred thousand pounds authorized by section thirty-seven of The Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorized by section seventeen of The Metropolitan Bard of Works (Loans) Act, 1871, such sums as the managers are, from time to time, authorized by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to, not exceeding in the whole one hundred thousand pounds; and the first-mentioned section shall be construed as if seven hundred thousand pounds were therein substituted for five hundred thousand pounds.

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Repayments to go to consolidated loans fund.

10. All sums received from the board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund.

Not to affect certain loans herein named.

11. Nothing in this Act shall affect any loan made by the board before the passing of this Act, or any loan made by the board after the passing of this Act, in pursuance of a resolution of the Board, passed before the passing of this Act.

Future Loan Bills to have tables of information accompanying.

12. Where the board are desirous of obtaining a further Act empowering them to raise money, they shall cause the Bill for the same, as proposed to be submitted to parliament, to be accompanied with tables giving such information as the Treasury require for the purpose of enabling a comparison to be made between the rateable value of the Metropolis and the liabilities of the board.

Returns respecting money raised and valuation, liabilities, &c., of parishes and other districts.

13. The board shall every year frame and deliver to the Treasury returns showing—

i. All money raised by the board under this or any further Act for purposes mentioned in this Act;

ii. In relation to every parish, district, union, or place in respect whereof a loan is obtained from the board under this or any further Act;

(1.) the annual rateable value of the property therein;

(2.) as nearly as may be, the actual indebtedness of each parish, district, union, or place in respect of loans previously contracted.

The Treasury shall cause every such return to be laid before both Houses of Parliament.

14. Where application for a loan is made to the board by any body to which the board are authorized by this or any other Act to lend money, the board may, as a condition precedent to the making of the loan, and to the payment from time to time of any money as part thereof, require that body to frame and deliver to the board from time to time returns giving, in relation to the parish, district, union, or place in respect whereof the loan is applied for, such information respecting the financial condition of the body applying as the board think expedient. Power for board to require returns from bodies borrowing.

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38 & 39 VICT. CHAP. 83.

AN ACT to amend the Law relating to Securities for Loans contracted by Local Authorities.

[13th August, 1875.]

WHEREAS it is expedient to amend the law relating to securities for loans contracted by local authorities:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

(1.) *Preliminary.*

1. This Act may be cited for all purposes as "The Local Loans Act, 1875." Short title.

2. This Act shall not extend to Scotland or Ireland. Limits of Act.

3. This Act shall come into operation on the first day of January, one thousand eight hundred and seventy-six, which day is hereinafter referred to as the commencement of this Act. Commencement of Act.

4. A local authority *(a)* shall be deemed to borrow, subject to the provisions of this Act, whenever it raises a loan by the issue of debentures or debenture stock or annuity certificates, purporting to be created under its powers, or partly in one way and partly in another; subject to this proviso, that where a loan is directed to be raised by debentures or debenture stock or annuity certificates under this Act, the prescribed mode only shall be adopted. Definition of borrowing under Act.

(2.) *Debentures.*

5. A debenture under this Act shall be an instrument taking effect as a deed, and charging the local rate or property in such Regulations as to debentures.

(a) See 38 & 39 Vict. c. 83, s. 34, *post*, p. 38.

debenture specified with payment, as in the debenture mentioned, of the principal sum and interest therein specified.

Where a debenture under this Act charges property other than the local rate, and it is intended that in default of payment of the principal sum due on such debenture, or of the interest thereon, the property is to be sold, a statement to that effect shall be inserted in the debenture.

The principal sum may be made payable to the bearer of the debenture, or to a person to be named therein, and his executors, administrators, or assigns.

A debenture in which the principal sum is made payable to the bearer shall be transferable by delivery.

A debenture in which the principal sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal debenture, and shall be transferable by writing in manner directed by the local authority.

There may be attached to a debenture under this Act, or be thereafter issued in respect thereof, or partly in one way and partly in the other, coupons making the interest as therein mentioned payable to the bearer of each coupon, or to the person named in each coupon or his order, or the interest on a debenture may be made payable to the owner for the time being of such debenture, or may be otherwise made payable in such manner as in the said debenture mentioned.

A coupon making the interest therein mentioned payable to the person named therein or his order is in this Act referred to as a coupon payable to order.

A debenture under this Act shall not be issued for a less sum than the prescribed sum, or, where no sum is prescribed, than twenty pounds.

(3.) *Debenture Stock.*

Regulations as to debenture stock.

6. A debenture stock may be created and issued by a local authority having power to raise a loan or any part thereof by the issue of debenture stock. Such debenture stock shall be of a nominal amount, not exceeding the amount of money authorized to be raised by such stock, and shall, unless otherwise provided by the conditions of issue, be redeemable at par at the option of the local authority at such times and upon such conditions as the local authority may declare at the time of the issue thereof.

The title of any person to any share in debenture stock shall be evidenced by the entry in the register as in this Act mentioned of the name of such person as owner of such share.

Debenture stock shall bear such rate of interest, to be payable at such times as the local authority may declare at the time of issue of the stock.

Debenture stock and the interest thereon shall be a charge on local rate or property specified at the time of the issue thereof, in the same manner as if it were a principal sum and interest charged thereon by deed.

Where debenture stock and the interest thereon is a charge on property other than a local rate, and it is intended that in default of the payment of the interest thereon, or for the purpose of raising the money required for the redemption of the stock, the property is to be sold, a declaration to that effect shall be made by the local authority at the time of the issue of the stock, and shall be deemed to form one of the conditions of such issue.

Debenture stock shall have all the incidents of personal estate, and shall, subject to the provisions of this Act, be transferable by writing in manner directed by the local authority.

The interest on any share of debenture stock shall be recoverable by the owner of such share in the same manner in all respects as if such interest were an annuity of like amount secured to him by an annuity certificate under this Act.

The owner of any share in debenture stock shall not be entitled to require payment of the nominal amount of stock held by him, except at the time and upon the conditions declared by the local authority at the time of the issue of such stock.

The conditions of issue of debenture stock shall be declared by the local authority at the time of such issue, and a printed copy of such conditions shall be supplied to every owner of debenture stock requiring the same, and shall be entered in the register of such stock.

The local authority may, if it thinks fit, on the application of the owner of any share in debenture stock, grant to him a certificate of title to his share in such stock, or any part of such share, with coupons attached entitling the bearer of the coupons to the interest on the share or part of a share specified in such certificate.

A certificate of title to a share in debenture stock under this section (in this Act called a stock certificate to bearer) shall

entitle the bearer to the stock therein described, and to the interest thereon, and shall be transferable by delivery.

Any share in stock in respect of which a stock certificate to bearer has been issued, shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

Debenture stock, in respect of which a stock certificate to bearer has not been issued, is in this Act referred to as nominal debenture stock.

(4.) *Annuity Certificates.*

Regulations as to annuity certificates.

7. An annuity certificate under this Act shall be an instrument taking effect as a deed, and charging the local rate or property in such certificate specified with payment, as in the certificate mentioned, of the annual sum therein specified.

Where an annuity certificate under this Act charges property other than the local rate, and it is intended that in default of payment of the annual sum secured by such annuity certificate, or of some part thereof, the property is to be sold, a statement to that effect shall be inserted in the annuity certificate.

The annual sum may be made payable to the bearer of the certificate or to a person to be named therein, his executors, administrators, or assigns.

An annuity certificate in which the annual sum is made payable to the bearer shall be transferable by delivery.

An annuity certificate in which the annual sum is made payable to a person named therein, his executors, administrators, or assigns, is in this Act referred to as a nominal annuity certificate, and shall be transferable by writing in manner directed by the local authority.

An annuity certificate under this Act shall not be issued for a less annual sum than the prescribed sum, or, where no sum is prescribed, than three pounds.

(5.) *Priority of Loans.*

Priority of loans.

8. All sums for the time being due or authorized to be raised on or in respect of any securities issued in respect of the same loan by a local authority under this Act shall be paid without

any preference the one over the other by reason of the priority of date of any of such securties.

Where more than one loan has been raised under this Act by the same local authority, the sums for the time being due or authorized to be raised on or in respect of any securities issued in respect of each loan shall take priority according to the date of such loan.

Where any sum of money is authorized to be borrowed in manner provided by this Act, such sum may, unless it is otherwise prescribed, be raised under this Act as one loan or several loans, as may be deemed most convenient by the borrowing authority, so that the aggregate amount authorized to be borrowed be not exceeded.

The date of each loan shall, with a view to the priority of the loan and to the period within which such loan is to be discharged, and for the other purposes of this Act, so far as relates to that period, be fixed by the local authority, and may be so fixed irrespectively of the dates of the particular securities issued in respect of such loan, so that the period within which the loan is required to be discharged be not exceeded.

(6.) *Notice of Trusts.*

Notice of trust not receivable.

9. No notice of any trust, expressed, implied, or constructive, shall be received by the local authority, or by any registrar or officer of the local authority, in relation to any security issued by such authority under this Act.

Owners of securities not responsible for acts of local authority.

10. A person advancing any money to a local authority and receiving in consideration of such advance any security under this Act, shall not be bound to inquire into the application of the money advanced, or be in any way responsible for the non-application or misapplication thereof.

(7.) *Remedy for Non-payment.*

Remedy by mandamus for non-payment of money.

11. The local authority shall pay or raise all sums for the time being due or authorized to be raised on or in respect of any security issued by them under this Act, and if default is made in payment of any sum so due, such sum shall be deemed to be a specialty debt due to the person entitled thereto from the local authority of such a nature that a mandamus will be granted

to enforce the payment thereof; and an action may be brought accordingly, in which a mandamus may be claimed.

Remedy by appointment of receiver for non-payment of money.

12. Where a local authority makes default for a period of twenty-one days in paying an amount of not less than five hundred pounds (whether in one sum or separate sums) for the time being due on or in respect of any security issued under this Act, the persons entitled to the said amount, or any of such persons, may, instead of or in addition to bringing an action or actions, apply to the county court for the appointment of a receiver, and any receiver so appointed (subject to any direction which may be given by the court) shall from time to time raise as hereinafter mentioned, by or out of the local rate or property charged, sufficient money to pay the amount the payment of which is so in default, and all sums due while he is receiver on or in respect of any such security, together with all costs, charges, and expenses incurred in or about the appointment of such receiver and the execution of his duties under this section, including a proper remuneration for his trouble, and shall render to the defaulting authority the balance, if any, remaining in his hands after making the said payments.

Where the amount so due or authorized to be raised is charged on the local rate, the receiver may raise the money he is authorized to raise under this section by means of the local rate, and for that purpose shall have the same power as the defaulting authority of levying the local rate, and the receiver shall have such access to and use of the documents of the defaulting authority relative to the local rate as he may require.

Where the amount so due or authorized to be raised is charged on any property, other than the local rate, the receiver may raise the sum which he is authorized to raise under this section by receipt of the rents and profits of the property, and if the security involves a power of sale, as in this Act mentioned, by sale of the property in such manner and subject to such conditions of sale and otherwise as the court may direct.

A county court may appoint a receiver under this section with respect to any local rate levied, or any property situate wholly or partly within the jurisdiction of such court, and may remove such receiver and appoint another in his stead, and so from time to time; and may make such orders and give such directions as to the powers and duties of the receiver, and otherwise as to the disposal of the moneys received by him, as may be thought fit for carrying this section into effect.

(8.) *Discharge of Loan.*

Loan borrowed to be discharged within prescribed period.

13. Every loan borrowed in manner provided by this Act shall be discharged within the prescribed period from the date thereof, and if no period is prescribed, within the period of twenty years from the date thereof, which period of twenty years shall for the purposes of this Act be included under the term "prescribed period," and such discharge shall be secured by one or more of the following methods; that is to say:—

By the issue of annuity certificates limited to expire within the prescribed period; or,

By the issue of debentures made payable in such a manner that in each year such number of debentures will become due and be paid off as will secure the repayment of the whole sum secured by such debentures by equal annual instalments, extending over the whole of the prescribed period, or over a less time than the prescribed period; or,

By the annual appropriation, as in this Act mentioned, of a fixed sum to the discharge of a certain portion of such loan; or,

Where a sinking fund is prescribed, but not otherwise, by the establishment of a sinking fund and the application thereof in manner in this Act mentioned.

Discharge of loan by appropriation of annual sum.

14. Where a fixed annual sum is appropriated to the discharge of a loan, or part of a loan, the local authority shall raise in every year an equal sum of money of such amount as will, at or before the expiration of the prescribed period, pay off the whole of such loan or part of a loan, and the interest thereon. The local authority shall in each year pay out of such fixed sum the interest due on the loan or part of a loan during the current year, and appropriate the residue of such sum, in the case of money borrowed on debentures, to the payment off of a corresponding amount of the principal sum secured by such debentures, and in the case of money borrowed by the issue of debenture stock to the redemption of a corresponding amount of such stock.

The debentures or portion of debenture stock to be paid off in every year shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged. Where the

debentures or portion of debenture stock to be paid off are or is to be determined by lot, the lots shall be drawn in presence of the local authority, and any owners of debenture or debenture stock who choose to be present; the local authority shall cause not less than one month's previous notice of the time and place at which lots are to be drawn to be given by advertisement, published once at the least in each of four successive weeks in some newspaper circulating in the district within which the local authority has jurisdiction.

Any fractional sum remaining of such residue as aforesaid, after payment of the debentures or debenture stock, payable as aforesaid, shall be carried to the credit of the annual sum to be raised in the ensuing year. All expenses incurred by the local authority in respect of any drawings by lot or otherwise in respect of the discharge of a loan shall be paid out of the current revenue of the local authority.

Discharge of loan by sinking fund.

15. Where a sinking fund is prescribed for any loan or part of a loan, the local authority shall create a sinking fund as hereinafter mentioned; that is to say:—

(1.) Such equal yearly or half-yearly sums shall be paid into the sinking fund in each year as, being accumulated at compound interest at the prescribed rate, or if no rate is prescribed, at such rate as in the opinion of the local authority, (regard being had to the securities in which they are authorized to make investments,) will at the expiration of some period not longer than the prescribed period, be sufficient after payment of all expenses, to discharge such loan or part of a loan; and,

(2.) The first of such payments shall be made within one year from the date of the loan; and,

(3.) All sums paid into the sinking fund shall be, as soon as may be, invested by the local autharity in the prescribed manner, and if no manner is prescribed, or if a manner having been prescribed, the Local Government Board shall assent, in securities in which trustees are by law for the time being authorized to invest, or in debentures, debenture stock, or annuity certificates issued under this Act, and any such investments may be from time to time varied or transposed, and all dividends and other annual sums

received in respect of such investments shall, as soon as may be after they are received, be paid into the sinking fund and invested by the local authority in like manner; and,

(4.) The local authority may from time to time apply the sinking fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which it was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose:

(5.) The debentures or portion of debenture stock, to the payment of which such sinking fund is for the time being applicable, shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged. Where the debentures or portion of debenture stock to be paid off are or is to be determined by lot, the lots shall be drawn and notice shall be given in manner hereinbefore in this Act mentioned:

(6.) Any surplus of the sinking fund remaining after the discharge of the loan or part of a loan for the discharge of which it was created, shall be paid into some other sinking fund under the control of the local authority, or if there is no such fund shall be applied to any purpose to which such loan is applicable, or otherwise, as the local authority may, with the assent of the Local Government Board, think expedient:

(7.) Where any part of the sinking fund is invested in any securities of the local authority, or is applied in paying off any part of the loan before the prescribed period, the interest which would otherwise be payable on such securities or on such part of the loan shall be paid into the sinking fund and invested in manner provided by this Act:

(8.) If the annual income of the sinking fund is not less than the annual interest payable on so much of the loan or part of the loan in respect of which it was created as remainds undischarged, the equal annual sums required by this section to be paid into the sinking fund may cease to be so paid.

Annual return as to sinking fund.

16. Where a sinking fund is created for the purpose of discharging any loan or part of a loan the local authority shall, until such loan or part of a loan is discharged, within twenty-one days after the expiration of each year, transmit to the Local Goverment Board a return in such form and verified in such manner as the board from time to time directs, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund has been applied during the same period, and the total amount (if any) remaining invested at the end of the year. If it appears to the Local Government Board, by such return or otherwise, that the local authority have failed to comply with the provisions of this Act with respect to the sinking fund, that board may, if they think fit and after hearing the local authority, if desirous to be heard, by order direct that the sum in respect of which default has been made is to be raised and invested or applied as part of the sinking fund, and any such order may be enforced by mandamus.

SUPPLEMENTAL PROVISIONS.

(1.) *As to Coupons*

Temporary issue of coupons.

17. Coupons in respect of any debenture or stock certificate to bearer under this Act may be issued comprising the interest payable during the whole period of years for which the debenture or stock certificate is in force, or any less period, and at the expiration of any such less period fresh coupons may be issued in respect of the debenture or stock certificate, or such debenture or stock certificate may be exchanged for another debenture or stock certificate with coupons for a further period.

Endorsement and crossing of coupons.

18. A coupon payable to order, which when presented for payment purports to be endorsed by the person named therein, shall be a sufficient authority to the person paying the money to pay the amount due in respect of such coupon to the bearer thereof, and it shall not be incumbent on the person paying such coupon to prove that such endorsement or any subsequent endorsement was made by or under the direction or authority of the person who is named in the coupon, or to whom the coupon was made payable by any endorser.

Where a coupon bears across its face an addition in written, printed, or stamped letters of the name of any banker or of the words "and company" in full or abbreviated, between two transverse lines, such addition shall be deemed to be a material part of the coupon, and have the force of a direction to the person by whom such coupon is to be paid that the same is to be paid only to or through the banker named, or if none is so named, to or through some banker, and the same shall be payable only to or through the banker named or some banker.

19. Any coupons issued in respect of any debenture or stock certificate to bearer under this Act shall for the purpose of the Acts relating to stamp duties be deemed to have been attached to and issued with such security.

Coupons issued in respect of a security are exempt from stamp duty as if attached thereto.

(2.) *As to Stock Certificates.*

20. The bearer of a stock certificate to bearer may, on delivery to the local authority of his certificate and of all unpaid coupons belonging thereto, require the local authority to enter him in the register of the local authority as an owner of the share of stock described in the stock certificate to bearer, and thereupon that stock shall become nominal debenture stock and the interest thereon shall be payable as if no stock certificate to bearer had been issued in respect of that share of stock.

Conversion into nominal debenture stock of stock in certificate to bearer.

21. A trustee of debenture stock shall not apply for or hold a stock certificate to bearer unless authorized to do so by the terms of his trust, and any contravention of this provision by a trustee shall be deemed a breach of trust. But this provision shall not impose on the local authority an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the local authority to any liability in the event of their issuing a stock certificate to bearer to a trustee, or invalidate any stock certificate to bearer issued.

Trustee not to apply for stock certificate to bearer.

(3.) *As to Execution and Supply of Securities.*

22. Every debenture, stock certificate to bearer, and annuity certificate under this Act shall be deemed to be well executed if under the common seal of the local authority, where that authority is a body corporate, and if signed by two or more members of the local authority, where the local authority is not a body corporate, or if otherwise executed in such manner as

Execution and supply of securities.

the Local Government Board may direct on the application of any local authority, whether corporate or unincorporate.

The Commissioners of Inland Revenue may, when required by any local authority, and on payment of such sum as may, with the sanction of the Treasury, be agreed upon, supply such authority with debentures, stock certificates to bearer, coupons, and annuity certificates under this Act in such form and of such materials as the local authority may direct.

(4). *As to Register of Nominal Securities.*

Register of nominal securities.

23. A local authority issuing nominal debentures, nominal debenture stock, or nominal annuity certificates under this Act, shall cause a register of such securities to be kept in one or more book or books, and there shall be entered in such register—

(1). The names and addresses and the descriptions of the owners for the time being of every such security, with a statement of the securities held by each person registered, and

(2). The date at which the name of any person was entered in the register in respect of any such security.

The register under this section shall be evidence of any matters by this Act directed or authorized to be inserted therein.

Inspection of register.

24. Any person may inspect the register at any reasonable time upon payment of such fee not exceeding one shilling as may be fixed by the local authority, and shall be entitled to obtain from the registrar, copies or extracts certified by him to be true copies or extracts of such register, upon payment of such fee not exceeding two shillings and sixpence, and twopence for every folio of seventy-two words, as the local authority may from time to time fix, and any copy or extract so certified shall be admissible in evidence.

Rectification of register.

25. If the name of any person is without sufficient cause entered in or omitted from the register, or if default is made or unnecessary delay takes place in making any entry in such register, th person aggrieved or the local authority may apply to the court for an order that the register may be rectified.

The court may either refuse the application with or without costs to be paid by the applicant, or may, if satisfied of the justice of the case, whether there has or has not been any default on the part of the registrar, make an order for the rectification of the register, and make such order as to the payment of the costs of the application or of damages to the person aggrieved as to the court may seem just.

The court may, in any proceeding under this section, decide any question relating to the title of any party to such proceeding to have his name entered in or omitted from the register, and generally any question which it may be necessary or expedient to decide for the rectification of the register.

The court for the purposes of this section means any of Her Majesty's superior courts of law or equity, or any court to which the jurisdiction of such courts may be transferred, and where the value of any security or securities to which the application relates does not exceed fifty pounds shall include a county court, and the jurisdiction by this Act given to a superior court may be exercised in a summary manner by any judge or judges of such court sitting in chambers or otherwise.

(5). *As to Loans under Official Sanction.*

Permissive issue of securities under official sanction.

26. Any local authority about to raise a loan by the issue of any securities under this Act may apply to the Local Government Board to authorize the issue of such securities under official sanction.

The Local Government Board, before granting their official sanction to such issue, shall require the local authority to furnish in such form, and with such particulars, and supported by such evidence as the Local Government Board may require, such returns of the financial condition of such authority and borrowing powers of such authority and of the indebtedness of such authority, whether incurred before or after the passing of this Act, and such other particulars as will enable the Local Government Board to ascertain the facts required by this section to be stated in relation to such issue, and the Local Government Board may make such examination or inquiries for ascertaining the said matters and the accuracy of such returns as they may think expedient, and they shall not give their sanction unless they are satisfied with the information given and the result of the inquiries made.

The issue of any securities under official sanction shall be authenticated by an official stamp on such securities or otherwise as the Local Government Board may from time to time direct.

The sanction of the Local Government Board given in respect of any securities shall be conclusive evidence that the local authority by whom such securities may be issued had power to issue the same, and that the same have been duly issued, and are as to form and otherwise in conformity with this Act.

The owner of any security issued under official sanction shall on request made by him to the Local Government Board be furnished with a statement of the following particulars; that is to say:—

Where a security is charged on a rate, of the rateable value, at the date of the issue of such security, of the property subject to the rate, and where the security is a charge on property, of the estimated value of such property; also of

The relative priority of the loan, in respect of which such security is issued, and of the other loans (if any) of the borrowing authority;

and such statement shall be evidence of the particulars therein stated.

(6). *As to Investments on Loans under Act.*

Power for trustees to invest in loans under Act.

27. Any trustees or other persons for the time being authorized or directed to invest any moneys in the debentures or debenture stock of any railway or other company shall, unless the contrary is provided by the instrument authorizing or directing such investment, have the same power of investing such moneys in any nominal debentures or nominal debenture stock issued under this Act as they have of investing such moneys in debentures or debenture stock of any railway or other company as aforesaid.

Power for Public Works Loan Commissioners to take securities under Act.

28. When the Public Works Loan Commissioners are authorized to grant any loan to a local authority under any Act, passed either before or after the passing of this Act, and are satisfied with the sufficiency of the rates or other property on which such loan is charged to defray the loan, they may, notwithstanding anything contained in any other Act of Parliament,

take debentures, debenture stock, or annuity certificates under this Act as a security for such loan.

(7). *As to General Rules.*

Application of rules in schedule.

29. The general rules in the schedule to this Act with respect to the transfer and transmission of nominal securities shall have the same force as if they were enacted in the body of this Act.

Power to make general rules.

30. The local authority may from time to time, with the consent of the Local Government Board, make, and when made, add to, rescind, or alter, such rules as they think fit with respect to the following matters :—

(1.) The issue of coupons, the registry of securities, the mode of transferring securities not transferable by delivery, the fees, if any, to be charged in respect of registry and otherwise in respect of any security issued by them under this Act; and,

(2.) With respect to any matter or thing required for the purposes of carrying into effect this Act, and not inconsistent therewith.

The local authority may also by such rules as aforesaid add to, rescind, or alter any of the rules in the schedule hereto.

Any general rules made by the local authority in pursuance of this section shall, so far as they are consistent with this Act, have the same force as if they were enacted therein.

Provided, that any rules made, added to, rescinded, or altered in pursuance of this section shall not affect any securities issued in respect of any loan the date of which is prior to the date of such making, addition, rescission, or alteration.

(8.) *As to Borrowing.*

Borrowing and re-borrowing by local authorities.

31. Any local authority, notwithstanding any provision in any other Act of Parliament passed before the passing of this Act, may, if it thinks fit, borrow in manner provided by this Act any loan which it is authorized to borrow.

Any local authority may from time to time in like manner re-borrow money for the purpose of discharging any loan law-

fully contracted by them either before or after the passing of this Act; provided that the time for repayment of any money so borrowed shall not be extended beyond the unexpired portion of the term for which the original loan was contracted, unless with the sanction of the Local Government Board, and in no case shall be extended beyond the prescribed period.

(9.) *As to Forgery and Loss of Securities.*

Forgery of securities.

32. For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the Statute Law of England relating to indictable offences by forgery," debenture stock under this Act shall be deemed to be capital stock of a body corporate, and any other security issued in pursuance of this Act shall be considered to be a writing obligatory, and any coupon bearing across its face an addition in written, printed, or stamped letters of the name of any banker, or of the words "and company" in full or abbreviated, between two transverse lines, shall be deemed to be a cheque or draft on a banker.

Loss of securities.

33. If any security issued under this Act is lost, mislaid, or destroyed, the local authority shall, on such indemnity being given as they may require, and on payment of the expense of the issue, issue a fresh security in the place of the security so lost, mislaid, or destroyed.

(10.) *Definitions.*

Definitions.

34. For the purposes of this Act—

"Prescribed" means prescribed by any Act passed either before or after the passing of this Act authorizing a local authority to borrow money:

"Local authority" means the justices of any county, liberty, riding, parts, or division of a county in general or quarter sessions assembled, the council of any municipal borough, also any authority whatsoever having power to levy a rate, as in this Act defined (*a*), also any prescribed authority.

"Municipal borough" means any borough for the time being subject to the Act of the session of the fifth and six years

(*a*) See *infra*

of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and any Acts amending the same:

A "rate" means a rate the proceeds of which are applicable to public local purposes and leviable on the basis of an assessment in respect of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other document requiring payment from some authority or officer, is or can be ultimately raised out of a rate, and the levy of a rate includes the issue and enforcement of any such precept, certificate, or document as aforesaid, and expressions relating to the levy and the assessment and making of a rate shall be construed accordingly:

"Local rate" means any rate as before defined which a local authority have power to levy or charge by way of mortgage or otherwise:

"Security" means any debenture, debenture stock, annuity certificate, coupon, or stock certificate to bearer issued under this Act:

"Person" includes a body of persons corporate or unincorporate:

"Executors and administrators" includes successors.

(11.) *Repeal and consequential Enactment.*

Repeal of 36 & 37 Vict. c. 35.

35. The County Debentures Act, 1873, is hereby repealed, as from the commencement of this Act; but this repeal shall not abridge or prejudically affect the incorporation of any county authority under that Act, or any right in respect of any debenture issued in pursuance of that Act before the commencement of this Act, or any remedy for nonpayment of moneys secured by any such debenture, and all such rights and remedies may be enforced as if this Act had not been passed.

Incorporation of county authority for purposes of Act.

36. The justices of any county, liberty, riding, parts, or division of a county in general or quarter sessions assembled, issuing any securities under this Act, shall, so far as relates to such securities, be deemed to be incorporated by the name of the justices of the county, liberty, riding, parts, or division of the county to which they belong, or by any other name by

which such justices are ordinarily known, or by which they granted the said securities, and may sue and be sued in any action or other legal proceeding relating thereto by such corporate name.

SCHEDULE.

GENERAL RULES.

Transfer of Nominal Securities.

(1.) A number of persons, not exceeding such number as may from time to time be directed by the local authority, may be registered as joint owners of the same nominal security, with right of survivorship between them.

(2.) Unless otherwise directed by a general rule of the local authority, the instrument of transfer of any nominal security issued by a local authority shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain owner of such security until the name of the transferee is entered in the register in respect thereof.

(3.) The transfer books of nominal securities may be closed at such times, not exceeding twice in each year, and not exceeding fourteen days at each time of closing, as the local authority may direct.

Transmission of Nominal Securities.

(4.) The executors or administrators of a deceased owner of a nominal security shall be the only persons recognized by the local authority as having any title to such security.

(5.) Any person becoming entitled to a nominal security in consequence of the death or bankruptcy of any owner, or in consequence of the marriage of any female owner, may be registered as owner upon such evidence being produced as may from time to time be required by the local authority.

(6.) Unless otherwise directed by a rule of the local authority, any person who has become entitled to a nominal security in consequence of the death or bankruptcy of any owner, or in consequence of the marriage of any female owner, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such security.

(7.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such security.

(8.) The instrument of transfer shall be presented to the local authority, accompanied with such evidence as the local authority may require to prove the title of the transferor, and thereupon the local authority shall register the transferee as owner.

(9.) In the construction of this schedule the term "nominal security" means any nominal debenture, nominal debenture stock, or nominal annuity certificate.

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38 & 39 VICT. CHAP. 89.

An Act to consolidate with Amendments the Acts relating to Loans for Public Works. [13th August, 1875.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the "Public Works Loans Act, 1875."

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Objects, Terms, and Duration of Loan.

Loans for public works.

9. The Loan Commissioners may, if they think it expedient, from time to time, in manner mentioned in this Act, make loans for the purpose of any of the works mentioned in the first schedule to this Act, to any person having power under an Act of Parliament or otherwise to borrow for such purpose.

The Loan Commissioners in considering the propriety of granting a loan shall have regard to the sufficiency of the security for its re-payment, and, subject to the provisions of any special Act, shall determine whether the work for which the loan is asked would be such a benefit to the public as to justify a loan out of public money, having regard to the amount of money placed at their disposal by parliament.

Interest on loan.

10. Every loan granted under this Act shall bear interest at a rate not less than the rate authorized by a special Act relating to such loan, or if no rate be so authorized, not less than five per cent. per annum; provided that when the aggregate amount of principal moneys due by any harbour authority to the commissioners under "The Harbours and Passing Tolls, &c., Act, 1861," exceeds one hundred thousand pounds, the rate of interest on such excess shall be three and a half per cent., or such higher rate, not exceeding five per cent., as may in the judgment of the Treasury be necessary to enable the loan to be made without loss to the exchequer.

Term of years for repayment of loan.

11. Every loan granted under this Act shall be made repayable by instalments (in the form of an annuity or otherwise) within a period from the date of the actual advance of such loan, not exceeding the period authorized by a special Act relating to such loan, or if no period be so authorized not exceeding twenty years.

Where a loan has been granted repayable within a period less than the full period allowed by the foregoing provisions of this section, the Loan Commissioners, if the repayment of the loan with interest is in their opinion sufficiently secured by such security as is required by this Act, and if they think fit, may extend the period for the repayment of such loan to a period not exceeding the said full period from the date of the advance of such loan.

Where no period is authorized by a special Act relating to the loan, the Treasury, on the recommendation of the Loan Commissioners, stating special circumstances, may either before or after the grant of the loan, extend the period within which the loan is to be repaid to such period as may be recommended by the Loan Commissioners.

The Loan Commissioners in considering whether the period for the repayment of a loan should or should not be the said full period, and the Loan Commissioners and the Treasury in considering whether the period should be extended as aforesaid, shall have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by such work.

The first instalment for the repayment of every loan shall be

made payable within a period not exceeding five years from the date of the advance of such loan.

Security for loans.

12. The Loan Commissioners before advancing any money on account of a loan shall take security for the repayment of the loan with the interest, consisting of the security authorized by the special act relating to the loan, or if none is so authorized, of a mortgage of property or of a rate, or of both property and a rate, and (save as hereinafter mentioned) of personal security.

The Loan Commissioners may, if they think fit, dispense with personal security in any case in which in their opinion the mortgaged property or rate is sufficient security for the payment of the principal and interest of the loan within the stipulated period.

Funds for Loans.

Annual estimate of amounts required.

13. For the purpose of passing an annual Act of Parliament, granting money for the purpose of loans by the Loan Commissioners, every intending borrower shall send to the commissioners on or before the thirty-first day of December in every year a statement of the new loan or instalments of a loan already granted which the sender will probably apply to borrow during the ensuing financial year; and the commissioners shall as soon as practicable submit all such statements to the Treasury, with such observations thereon and information respecting the same as they may think expedient, and as may be necessary for enabling the Treasury to lay before the House of Commons an estimate of the amount required to be granted for the purpose of loans by the Loan Commissioners.

The Loan Commissioners shall not, except with the permission of the Treasury, grant any loan or advance any instalment of a loan which has not been included in such a statement as above mentioned.

The Treasury, if they think that after providing for the loans and instalments included in the said statements, or such of them as will actually be advanced, there will be a balance out of the sum granted by parliament sufficient to meet any loan or instalment not included in the statements, may, if they think fit, grant such permission, and may grant it conditionally upon the said balance being in their opinion sufficient when the time for the actual payment arrives.

If the regulations under this Act require quarterly statements to be sent by borrowers of the amounts which will be required by such borrowers, the Treasury may, if they think fit, refuse to issue in any quarter of a financial year any larger sum than the total of the amounts named in the statements referring to such quarter.

Issue of money for purpose of loans.

14. When any money has been granted by parliament for the purpose of loans by the Loan Commissioners, the Treasury may from time to time, as they think fit, issue out of the consolidated fund of the United Kingdom, or the growing produce thereof, the required sums, not exceeding in the whole the amount so granted.

The said sums shall be issued in such manner as the Treasury may from time to time direct during the period authorized by the Act granting the same, or if no period is authorized, during the financial year for which such Act was passed, and not subsequently.

Borrowing for the purpose of raising money.

15. If the Act granting money for the purpose of loans by the Loan Commissioners authorizes the Treasury to borrow such money, or any part thereof, the Treasury may raise any sums (not exceeding the amount authorized by the said Act to be borrowed, and not exceeding in any one financial year the excess of the issues out of the consolidated fund under this Act during that year over the repayments to the consolidated fund during that year in respect of the principal of loans granted by the Loan Commissioners either before or after the commencement of this Act), in such one or more of the following methods as may be directed by the Act authorizing the money to be borrowed, and subject to any such direction as may be deemed most convenient for the public service, namely, by the creation ot three pounds per centum per annum permanent annuities, or of annuities for any term not exceeding thirty years, or by the issue of exchequer bonds or exchequer bills, or by otherwise borrowing the same (for a period not exceeding six months) on the credit of the charge created by this Act on the consolidated fund, or by all of such means ; and the sums so raised shall be placed to the credit of the account of Her Majesty's exchequer, and form part of the consolidated fund.

The annuities created in pursuance of this section, and the principal moneys borrowed in pursuance of this section (otherwise than by the issue of exchequer bonds), and all

interest from time to time due thereon, or on exchequer bonds issued under this section (not exceeding the rate of five per cent. per annum) shall be charged upon and be payable out of the consolidated fund, or out of the growing produce thereof, at such times in each year as may be fixed by the Treasury.

The principal of any exchequer bonds issued under this section shall be paid out of moneys provided by parliament.

The annuities, whether terminable or perpetual, shall be created by warrant of the Treasury to the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

The said annuities shall, in manner directed by the warrant, be consolidated in the said books, if terminable, with annuities payable at the same date, and, if permanent, with annuities at the same rate of interest, and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenor of those enactments.

Issue of money to the National Debt Commissioners.

16. All money issued by the Treasury for the purposes of loans under this Act shall be issued to the National Debt Commissioners and placed to such account as may be from time to time directed by the Treasury, and shall be held by the National Debt Commissioners in trust on the part of the public, but subject to the disposal of the Loan Commissioners for the purpose of loans by them under this Act.

Repayments to commissioners to go to consolidated fund.

17. All sums paid or applicable in or towards the discharge of the principal or interest of any loan granted by the Loan Commissioners, either before or after the passing of this Act, or of any other sum due in respect of such loan, shall be paid into the receipt of Her Majesty's exchequer in such manner as the Treasury from time to time direct, and shall be carried to the consolidated fund; but where any security for any such loan is enforced, by taking possession, sale, levy of a rate, or otherwise, the net receipts only shall be paid into the receipt of Her Majesty's exchequer in pursuance of this section.

Recovery of Loans.

Charge on property and priority of loan by the

18. Where a loan is granted by the Loan Commissioners on the security of a mortgage of any property (whether with or without any other security), the property from and after the

commissioners.

date of the mortgage shall be charged with the payment to the use of Her Majesty of the loan with interest as in the mortgage mentioned, in priority, save so far as otherwise specified in the mortgage, over every other debt, mortgage, or charge whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been advanced in good faith before the loan advanced by the commissioners and secured by a mortgage of the property executed to a person who is entitled as a *bona fide* creditor to the repayment thereof with interest.

Provided that if there is more than one such creditor and not less than four-fifths in value of such creditors consent in writing that the said charge shall have priority over the loans and mortgages of such creditors, in such case the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the loan granted by the commissioners and to the said charge thereof, and to the security for the same.

Nothing in any special Act, and no rule of law or custom shall affect the priority given by this section, except so far as the special Act negative such priority in terms expressly referring to this Act.

Charges on rate of loan and loan not to be repudiated by locality having had the benefit of it.

19. Where a loan is granted by the Loan Commissioners on the security of a mortgage of any rate (whether with or without any other security) such rate from and after the date of the mortgage shall be charged with the payment to the use of Her Majesty of the loan with interest as in the mortgage mentioned.

Where the loan has been granted to any borrower who appeared to the commissioners to have power to levy and mortgage such rate and has been expended upon the work in respect of which or in or for the benefit of the locality in which such rate or any part thereof is levied, the mortgage of the rate for securing the repayment of the loan with interest shall be valid, and may be enforced in pursuance of this Act, notwithstanding any defect in the power or title of the borrower by whom the mortgage purports to be granted; and in particular the commissioners may, although such borrower was not legally constituted or dissolved, or is otherwise incapable and always was incapable of making, levying, or mortgaging such rate, have the same power of making and levying and enforcing the making

or levying the said rate for the purpose of repaying such loan and interest, and all other sums due under the mortgage, as if such borrower had been duly constituted, and was not dissolved, and had had full power to make, levy, and mortgage such rate.

Securities to be taken in name of secretary.

20. All securities for any loan granted by the Loan Commissioners in pursuance of this Act may be given to the secretary of the commissioners on their behalf. Every such security is in this Act referred to as a security given to the commissioners.

Taking possession by commissioners of property on default of payment.

21. Where a mortgage of property has been given to secure any loan granted by the Loan Commissioners, and default is made in making payment according to the terms of such mortgage, then at any time after such default and without any consent on the part of any person interested in the equity of redemption of the mortgaged property, the commissioners, without prejudice to any other remedy, shall have power to do all or any of the following things; namely:—

(1.) Take possession of the mortgaged property, or any part thereof; and

(2.) Grant any lease of the mortgaged property, or any part thereof, for such term and upon such reasonable condition as they may think expedient, and that either for a premium or rent, or both; and

(3.) Sell or mortgage the mortgaged property, or any part thereof.

Powers of commissioners when in possession.

22. The Loan Commissioners, when authorized to take possession of any mortgaged property, may take possession either by themselves or by any person appointed by them (whether such person is interested in the mortgaged property or not), and upon possession of any mortgaged property being so taken,—

(1.) All the estate, right, interest, powers, authorities, and privileges, of what nature or kind soever, which were at the time of the making of the mortgage or may for the time being be vested in or exerciseable by the mortgagor or any person claiming through or under the mortgagor, either in relation to the property or necessary for carrying on and managing the same, shall become vested in the secretary of the commissioners; and

(2.) The commissioners may by themselves or any person appointed as aforesaid manage and carry on the property, and receive the revenue arising therefrom, or in any way receivable in respect thereof, or otherwise, in pursuance of the mortgage, and exercise all or any of the powers and authorities vested in their secretary by this Act; and

(3.) The commissioners or their secretary or such person as aforesaid shall not be liable for the repairs or maintenance of the mortgaged property, but may apply any moneys received in respect thereof or raised from any rate towards such repairs or maintenance to such extent as the commissioners may think expedient; and

(4.) The commissioners may, with the consent of the Treasury, advance out of moneys at their disposal under this Act sums for the completion, repair, improvement, or security of the mortgaged property, and every such sum shall be deemed and shall be a loan secured on the property, and repayable with the like interest from the time of the advance, and by the like person, and shall have the like priority and be recoverable in the like manner as if it were part of the original loan secured by the said mortgage; and

(5.) If the revenue received from or in respect of the property is insufficient to keep down the current expenses of working, maintaining, and repairing the same, together with the instalments of principal and the interest for the time being due on the mortgage, and no rate or no sufficient rate can be levied to meet the deficiency, the commissioners may, with the consent of the Treasury, destroy or cause to be destroyed, or (if they sell the same) authorize the purchaser with the like consent to destroy the same, and sell or authorize the purchaser to sell the materials thereof and other the articles, goods, and effects belonging thereto, and neither the commissioners, nor their secretary, nor the purchaser so authorized, nor his representatives, shall be liable in damages or otherwise to any person whomsoever for such destruction: and the provisions of this Act with respect to the sale of any mortgaged property shall apply to any sale under this section; and

(6.) Possession under this Act may be relinquished at such time and in such manner and upon such terms and conditions as the commissioners think fit, and upon such relinquishment all powers, authorities, and privileges which on the taking of possession became vested in the secretary of the commissioners shall, so far as they are not reserved, revert to and become vested in the person in whom the same would have been vested if possession had not been taken, but the commissioners may, if they think fit, on the relinquishment of possession, reserve any of the said powers, authorities, and privileges, with a view to the payment of any sum due to them:

(7.) Every such relinquishment of possession of any mortgaged property shall be without prejudice to the power of again taking possession thereof under the provisions of this Act.

Powers in relation to rate where default made.

23. Where a loan made by the commissioners is secured by the mortgage of a rate (whether with or without any other security), and the commissioners might, if such loan were secured upon a mortgage of property, take possession of such property, the commissioners may, without prejudice to any other remedy, by notice in writing served at the office or last known place of address of the mortgagor, or where from any cause the same cannot be so served by notice in writing published in the prescribed manner, declare their intention to exercise the powers conferred by this Act, and thereupon the commissioners shall have and may exercise the same power as the mortgagor of making and levying the rate mortgaged, and for that purpose the commissioners or their secretary with their concurrence may appoint an officer who, subject to the direction of the commissioners, shall have and may exercise the same powers, authorities, and duties as if he had been appointed by the mortgagor.

The commissioners, in making an estimate of the rate to be levied for the purpose of paying any sum due, may add such sum as they think sufficient for defraying and may defray thereout all costs, charges, and expenses, including remuneration to any officer or other person employed, incurred by the commissioners in the execution of their powers under this section or otherwise by reason of the default in payment.

Any balance remaining in the hands of the commissioners shall be paid by them to the mortgagor.

The commissioners may, by a like notice, declare their intention to relinquish the powers conferred by this section, and that either absolutely or with reservations and conditions, and thereupon all such powers shall revest in the mortgagor, subject to the said reservations and conditions.

Liability of commissioners after taking possession or in default of payment.

24. When the Loan Commissioners have taken possession of any property under this Act, or exercised the powers conferred by this Act in relation to any rate, neither they nor their secretary, nor any person appointed hy them in that behalf, shall be liable to account to any person interested in the equity of redemption in such property or rate for any moneys which, but for their wilful neglect or default, they or he might have received when so in possession or exercising such powers, or for any moneys other than those which have actually come to their or his hands.

Sale and mortgage by commissioners of mortgaged premises.

25. Where the Loan Commissioners have power to sell or mortgage, they shall have power to sell or mortgage either together or in parcels, by public auction or private contract, and subject to such conditions as to title or evidence of title or otherwise as the commissioners may think proper.

They may also buy in at any auction and rescind any contract for sale or mortgage, and resell or remortgage, without being responsible for any loss occasioned thereby.

Where a sale cannot be made in the ordinary way for a sum equal to the amount remaining due under the mortgage, the Loan Commissioners may, if they think fit, sell in such manner and subject to such conditions, stipulations, and agreements as they may think expedient for the purpose of ensuring the completion or carrying on of the work comprised in such mortgage by the purchaser thereof, with a view to the public good or general benefit, or for any other purpose, notwithstanding such conditions, stipulations, and agreements may be prejudicial to the sale, or may not be beneficial to the persons interested in the equity of redemption in the property.

The Loan Commissioners may for the purpose of any sale or mortgage execute all such agreements, conveyances, and instruments as they may think fit.

Purchaser not liable to see to the validity of sale or application of money.

26. Every sale or mortgage made by the commissioners or their secretary, and purporting to be made in pursuance of this Act, shall, so far as regards the interest of the purchaser and mortgagee, be deemed to be valid, and the purchaser or mortgagee shall not be bound to see or inquire whether the sale or mortgage is authorized, nor in the case of a mortgage whether the money raised is required to be raised, nor as to the necessity or expediency of or authority for making the conditions, stipulations, or agreements subject to which the sale or mortgage was made, nor otherwise as to the propriety or regularity of such sale or mortgage, nor be affected by express notice as to any matters into which he is not bound to see or inquire.

The receipt in writing of the Bank of England, or one of their cashiers or other proper officer for the purpose of the Bank of England, or other prescribed receipt, shall be a full discharge for the money paid on the sale or mortgage, and the person paying the same shall not be bound to see to the application of such money, or be liable or in any manner accountable for the misapplication or non-application thereof.

Terms of lease, sale, or mortgage.

27. Any lease, mortgage, conveyance, or other disposition made by the secretary of the commissioners under this Act of any mortgaged property may be in the prescribed form, and shall convey to the person in whose favour such lease, mortgage, conveyance, or other disposition is made, and according to the terms thereof, all or any part of the estate, right, interest, powers, authorities, and privileges, which under the mortgage and this Act are vested in or capable of being exercised by the Loan Commissioners, or their secretary, either before or after possession taken, and the same shall thereupon be vested in and may be exercised and put in force by such person accordingly.

Nothing in this Act shall operate to invalidate or affect the rights of any person entitled *bonâ fide* to any debt, estate, or interest, having priority over or ranking *pari passu* with the loan granted by the commissioners, or the security for such loan, or the rights of any lessee under any lease made either prior to such security or with the concurrence of the commissioners.

Application of money arising on

28. Any money arising from the taking possession, lease, sale, mortgage, or other disposition under this Act by or under

taking possession, sale, mortgage, &c., by commissioners.

the direction of the Loan Commissioners of any mortgaged property shall be applied first in discharge of all costs, charges, and expenses incurred by or under the direction of the commissioners in respect thereof, or otherwise by reason of the default in payment, and secondly in discharge of the whole of the principal of the loan secured by the mortgage and for the time being unpaid (notwithstanding that the same or any instalment thereof may not have become actually due), and in discharge of all interest accrued due on such principal, and of all other sums (if any) due under the mortgage.

The surplus (if any) of such money either shall be paid to the mortgagor or other person or persons entitled thereto, or, if the commissioners think fit, shall be paid by the secretary of the commissioners into the Court of Chancery in England in like manner as if he were a trustee of such money for the persons entitled thereto, and the court may make such orders for the payment and distribution of such money to or among those persons as may from time to time seem to the court just.

Payment of loan before it is due, and transfer of security for all or part of loan.

29. The Loan Commissioners may, if they think fit, at any time accept payment of the whole or any part of the principal and interest of any loan or other moneys secured by any mortgage under this Act before the time when the same is due; and may release or convey the mortgaged property or rate to the person paying the same, or as he may direct, upon such terms and conditions and in such manner and form as the commissioners may think expedient.

The person in whose favour any conveyance of the mortgaged property or rate under this section is made shall, subject to any limitations inserted therein, be entitled to the like priorities, powers, and authorities as the commissioners or their secretary were entitled to, either subject to or with priority over or concurrently with any priorities, powers, and authorities reserved to the commissioners by the conveyance.

The commissioners shall have full power to enter into and concur in all such arrangements, as they may deem expedient for the purposes of carrying into effect a release or conveyance under this section.

Discharge of security and revesting of property on repayment of loan.

30. Upon all money due under a mortgage under this Act being fully paid the commissioners shall, when required, give in the prescribed manner to the person liable to the payment thereof a receipt in writing for the same, and such further

sufficient discharge (if any) as may seem to the commissioners to be necessary, and upon such receipt being given the mortgaged rate shall be released from the charge and the mortgaged property, or the part thereof not sold or disposed of under this Act shall (unless the commissioners, on the request and at the expense of the person paying the said money, make any other disposition thereof), revest in the person who would have been entitled thereto if the mortgage had not been made, subject nevertheless to any lease, mortgage, or other act previously made or done by or under the direction of the Commissioners.

Bankruptcy of debtor.

31. Where an individual liable to pay as principal or surety the principal or interest of any loan under this Act becomes bankrupt or insolvent, or enters into any composition or arrangement with his creditors, or has his affairs liquidated by arrangement, or takes the benefit of, or becomes subject to the provisions of any Act passed for the relief of persons in debt, or for enabling the property of such persons to be distributed among their creditors, or where any company liable to pay as principal or surety the principal or interest of any loan under this Act becomes bankrupt or is wound up, the whole of such loan shall become due immediately, notwithstanding that the date for the payment thereof or part thereof has not arrived, unless in the case of a surety the commissioners think fit to accept some other surety.

Form of mortgage.

32. Every security given under this Act may be in such form as may be prescribed, and the fact of the secretary of the Loan Commissioners being a party thereto shall be conclusive evidence that the same is in the prescribed form, and every such security shall be valid and effectual to pass all the estate, right, and interest purporting to be passed thereunder by the parties executing the same, subject to the provisions of this Act.

Recovery of debt on personal security.

33. Every sum payable under any security made in pursuance of this Act shall be made payable to the use of Her Majesty, her heirs and successors, and may be recovered as a specialty debt due to the Crown, in like manner as if the security had been made in the form provided by the Act of the thirty-third year of the reign of Henry the Eighth, chapter thirty-nine; but no person shall be liable for any larger sum than that which he is expressed to be bound to pay.

Every sum payable in respect of a loan granted by the Loan Commissioners (either before or after the passing of this Act) or under the security for such loan, shall be compounded for or released only under the authority of Parliament in each case.

The Loan Commissioners may issue a warrant to the proper officer forthwith to enforce payment of such debt to the Crown as aforesaid, and if necessary to enter satisfaction therefor, and shall have the control over any proceedings taken to enforce such debt, and such proceedings shall not be discontinued, quashed, or abated without the written authority of the Loan Commissioners.

The Court of Exchequer, or other competent court, or any judge thereof, may, upon the production of the said warrant, direct an immediate writ of extent, or of *diem clausit extremum*, to issue without any writ of *scire facias* or any affidavit or other proof of the cause of the proceeding.

Nothing in this Act shall render it the duty of the Loan Commissioners to issue such warrant or to register such writ or debt, unless they are of opinion that it is necessary for the purpose of securing the payment of the debt, or that otherwise under the particular circumstances it is expedient so to do.

Recovery of loan after the expiration of term for repayment.

34. The expiration of the period within which a loan under this Act is made repayable (whether such period is the full period allowed by this or the special Act or a shorter period) shall not in any way affect any power of the Loan Commissioners of recovering or enforcing payment of any sum due in respect of such loan.

Supplemental Provisions as to Loans and Securities.

Security for completion of works partly finished or not commenced.

35. Where the commissioners grant a loan in aid of any work which is either partly completed or not commenced, they may, by a bond to Her Majesty or otherwise, take such security for the application of the loan to the work, and for the due completion of the work (including the raising of sufficient funds for that purpose), as they may think sufficient for securing the interest of the public.

Examination as to proper application of moneys lent.

36. Where the Loan Commissioners advance any loan for any purpose on the security of a rate, it shall be the duty of the Local Government Board to satisfy themselves that the loan is

applied to such purpose; they may from time to time make such examination as they may think necessary with a view to ascertain that such loan has been so applied.

The Local Government Board may appoint any officer to conduct on their behalf any examination under this section, and such officer shall have the same powers to require the attendance of persons and the production of accounts and other documents, so far as such attendance or production is required for the purpose of such examination, as an inspector of the Local Government Board has under the Acts relating to the relief of the poor.

Suspension of payment of principal and interest.

37. The Treasury may, on the recommendation of the Loan Commissioners, postpone for any time not exceeding five years the payment of the instalments of principal and interest, or either, due or to become due in respect of a loan granted by the commissioners for the purpose of any work, and that upon such terms and conditions for the completion and improvement of such work, and the ultimate payment of such principal and interest, as the Treasury may on the said recommendation authorize.

Change of security.

38. The Loan Commissioners may, subject to the prescribed regulations, if under the circumstances of the case they think fit, accept any security in lieu of any security previously given to them, or of any part of such security, and that subject to such terms and conditions as they direct; so, however, that the substituted security shall be of the character which the commissioners might take if the loan were originally granted at the time of such substitution, and that no change of security under this section shall extend the period for the repayment of the loan.

Concurrence by commissioners in leases, sales, &c., of mortgaged property.

39. The Loan Commissioners may concur in any lease, conveyance, release, or other disposition of any property mortgaged under this Act, or any part thereof, and in the arrangements relative thereto, upon such terms and conditions as they may think fit, and either with or without consideration, so that in their opinion the payment, with interest, of the loan charged on the mortgaged property is sufficiently secured or is not thereby made less secure.

Special Provisions as to Borrowers.

Power to various authorities to mortgage and levy rates.

40. The justices for any county, or any riding, division, parts, or liberty of a county, in general or quarter sessions assembled, may (if they resolve by a majority of not less than five justices so to do) borrow money from the Loan Commissioners for the purpose of building, rebuilding, enlarging, repairing, improving, and fitting up any police station and justices room, and offices connected therewith, or any of such purposes, and may levy a rate or any increase of a county rate for the purpose of paying the principal and interest of such loan, and may mortgage such rate or the county rate to the Loan Commissioners in accordance with this Act.

The council of any borough may borrow money from the Loan Commissioners for the purpose of building, rebuilding, enlarging, repairing, improving, and fitting up any police station and justices room, and offices connected therewith, or any of such purposes, and may levy a rate or an increase of the borough rate for the purpose of paying the principal and interest of such loan, and may mortgage such rate or the borough rate to the Loan Commissioners in accordance with this Act.

The said justices and council respectively shall have power to give the mortgage in such manner and form as the Loan Commissioners may direct.

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Perjury.

44. Any person who, when examined by the Loan Commissioners in pursuance of this Act, or any regulation made under this Act, wilfully gives false evidence, or who, for the purpose of obtaining a loan under this Act, willfully gives information to such commissioners which is false in any material particular, shall be guilty of perjury.

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Receipt for money payable on account of loan, &c.

46. The receipt in writing of the Bank of England, or one of their cashiers or other the proper officer for the purpose of the Bank of England, and any other prescribed receipt for any money paid in discharge of the principal or interest of any loan granted under this Act, or of any sum due under any security made under this Act or otherwise payable to or by the direction of the Loan Commissioners or their secretary, shall be a complete discharge to the person paying the same.

Notices may

47. Notices, directions, orders, and documents required by

this Act, or by any regulation made under this Act, to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, until the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, direction, order, or document was prepaid, and properly addressed, and put into the post. Be served by post.

48. Notices, and documents required by this Act, or by any regulation made under this Act, to be served on the Loan Commissioners, may be so served by serving the same on their secretary, or by sending the same addressed to or delivering the same at the office of the commissioners. Notices to and by commissioners.

Notices and documents required for the purposes of this Act, or of any regulation made thereunder, to be served by or on the Loan Commissioners, or to be made or issued by the Loan Commissioners, shall be in writing or in print, or partly in writing and partly in print.

49. The schedules to this Act shall be construed and have effect as part of this Act. Effect of schedules.

50. Except so far as a special Act, by express reference to some part of this Act, alters that part, every loan made by the Loan Commissioners shall, notwithstanding any provision in such special Act and any rule of law or custom, be made in accordance with and under the powers of this Act, and be repayable in manner provided by this Act, and by the security for the same granted under this Act, and every such loan, together with the security for the same, shall have the priority and be subject to the powers, authorities, and remedies mentioned in this Act; and although made in pursuance of a special Act, shall be deemed for all purposes to be a loan under this Act. Application of Act to loans under special Acts.

51. In this Act, if not consistent with the context,— Definitions.

The expression "person" includes a body of persons, whether corporate or unincorporate:

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "National Debt Commissioners" means the Commissioners for the Reduction of the National Debt:

The expression "Bank of England" means the Governor and Company of the Bank of England:

The expression "financial year" means the year ending the thirty-first day of March:

The expression "prescribed" means prescribed by the regulations made under this Act with the approval of the Treasury:

The expression "special Act" means any Act passed before the passing of this Act which authorizes the Loan Commissioners to lend money for the purposes of any work mentioned in the first schedule to this Act and any Act passed after the passing of this Act, which authorizes the Loan Commissioners to lend money for any purpose:

The expression "security" includes a mortgage:

The expression "mortgage" includes a charge and any instrument in the nature of a mortgage or charge, and in Scotland any heritable security:

The expression "conveyance" includes any grant, assignment, transfer, or other disposition or assurance; and the expression "convey" shall be construed accordingly:

The expression "rate" means a rate, cess, or assessment the proceeds of which are applicable to public local purposes and leviable on the basis of a valuation of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate, as before defined, and the making and levy of a rate includes the issue and enforcement of any such precept, certificate, or instrument as aforesaid, and expressions relating to the making and levy of a rate shall be construed accordingly:

Any toll, due, rent, imposition, and other sum not being a rate as above defined shall be deemed to be property for the purposes of this Act.

All references to a mortgagor or borrower shall, if need be, be deemed to include a reference to the successors, heirs, executors, administrators, and assigns of, or other persons claiming through or under such mortgagor, or borrower.

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56. Save as otherwise provided by this Act this Act shall apply only to loans granted securities made after the commencement of this Act. Saving for loans and transactions under repealed Acts.

The Loan Commissioners shall have the same power of making further advances on any mortgage made before the commencement of this Act and intended to secure more than the sum which has actually been advanced thereon as they would have had under the Acts repealed by this Act if they had not been repealed, but such advances shall be made out of money issued under this Act.

The Loan Commissioners, on granting any new loan to persons by whom a loan granted before the commencement of this Act is still owing, may make it a condition of the grant of such new loan that the old loan shall be deemed to have been granted in pursuance of this Act, and on such condition being accepted the old loan shall be deemed to be a loan under this Act.

For the purpose of any loans granted and securities made before the commencement of this Act, the Loan Commissioners under this Act and their secretary and other officers for the time being shall be deemed to be the same commissioners, secretary, and officers as the commissioners, secretary and officers under the Acts in pursuance of which such loan was granted and securities made all securities and documents relating to such commissioners, secretary, and officers shall be construed accordingly.

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FIRST SCHEDULE.

Works for the Purpose of which the Commissioners may lend Money.

Baths and wash-houses provided by local authorities.

Burial grounds provided by burial boards * * *

Lunatic asylums of any county or borough in Great Britain

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Public libraries and museums.

33 & 34 Vict. c. 70. 36 & 37 Vict. c. 86.

Any schoolhouse or work for which a school board is authorized to borrow under the Elementary Education Acts, 1870 and 1873, or any Act amending the same * * *

Waterworks established or carried on by a sanitary or other local authority.

Workhouses or poorhouses, and any work for which guardians of the poor * * * are authorized to borrow under the General Acts relating to the relief of the poor.

Any work for which a sanitary authority are authorized to borrow under the Public Health Act, 1875.

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Any work for which the commissioners are authorized to lend by any Act passed after the passing of this Act.

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39 & 40 VICT. CHAP. 36.

AN ACT to Consolidate the Customs Laws. [24th July, 1876.]

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Officers of customs not to serve in public offices.

9. No commissioner, officer, clerk, or other person acting in the management or service of the customs shall be compelled to serve in the milita, or on any jury or inquest, or to assume the office of a mayor or sheriff or to act in any corporate, parochial, or other public office, and section twelve of "The Juries Act, 1870," shall not apply to persons hereby exempted: * * *

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39 & 40 VICT. CHAP. 41.

AN ACT to remove Restrictions on the granting of Qualifications for Registration under the Medical Act on the ground of Sex. [11th August, 1876.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in the present Parliament assembled, and by the authority of the same:

Power to grant qualifi-

1. The powers of every body entitled under the Medical Act to grant qualifications for registration shall extend to the granting

of any qualification for registration granted by such body to all persons without distinction of sex: Provided always, that nothing herein contained shall render compulsory the exercise of such powers, and that no person who but for this Act would not have been entitled to be registered shall, by reason of such registration, be entitled to take any part in the government, management, or proceedings of the universities or corporations mentioned in the said Medical Act. cation extended.

2. This Act shall be taken to be incorporated with the Medical Act (*a*), as amended by the Act of the twenty-second year of Her Majesty, chapter twenty-one, and the Medical Act as so amended and any other Act amending the Medical Act shall be construed and have effect accordingly. Act incorporated with Medical Act as amended by 22 Vict. c. 21.

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39 & 40 VICT. CHAP. 55.

AN ACT for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto. [11th August, 1876.]

WHEREAS by the Metropolitan Board of Works (Loans) Act, 1875, in this Act referred to as "the Act of 1875," the raising of money by the Metropolitan Board of Works (in the Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the board by parliament for the purposes therein named should for the future be limited both in time and amount:

And whereas the powers for the raising of money by the Act of 1875 conferred upon the board have been partially exercised, but it is expedient that the board should have power to raise further sums of money for the purposes by this Act prescribed, and that in acordance with the provisions of the Act of 1875 limits of time and amount within which such powers may be exercised should be fixed:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

(*a*) See 21 & 22 Vict. c. 90, vol. 2, p. 1127.

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Loans) Act, 1876.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Act of 1875.

Power for board to expend for general improvements and contributions.

3. The board may from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, expend under section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Management Amendment Act, 1862, such money as they think fit for the purposes mentioned in the said sections respectively.

The aggregate amount expended by the board under this section shall not exceed one hundred thousand pounds.

The board in order to raise money for purposes of this section may from time to time create consolidated stock.

Power for board to expend for fire brigade purposes.

4. The board may from time to time, up to the thirty-first day of December one thousaud eight hundred and seventy-seven, expend for the purposes of providing station houses, fire engines, fire escapes, and permanent plant, for the purposes of the Fire Brigade Act, 1865, such money as they think fit, not exceeding twenty thousand pounds.

The board in order to raise money for purposes of this section may from time to time create consolidated stock.

The board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion snfficient to redeem, within thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Amendment of sect, 3 of the Loans Act, 1875, as to limit of amount for fire brigade.

5. Section three of the Loans Act, 1875, shall be read and construed as if the aggregate amount which the board was authorized to raise and expend for the purposes of the fire brigade had been limited to a sum not exceeding fifty-five thousand pounds instead of fifteen thousand pounds.

Amendment of sect. 4, of Act of 1875 as to limit of

6. Section four of the Act of 1875 shall be read and construed as if the aggregate amount which the board was authorized to lend to vestries and district boards under the said section had been

limited to a sum not exceeding two hundred thousand pounds instead of to a sum not exceeding one hundred thousand pounds. amount to be lent.

7. Where a vestry or district board constituted under the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, the board may lend to the vestry or district board, and the vestry or district board may borrow from the board, such money as the board think fit, and as the vestry or district board are authorized and desire to borrow. Power for board to lend to vestry or district board.

The aggregate amount lent by the board under this section shall not exceed one hundred and fifty thousand pounds.

The board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the board and the borrowers, with the approval of the Treasury, agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

8. Where a board of guardians of a union or parish wholly or for the greater part in the metropolis, as defined in the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the board and the Power for board to lend to board of guardians.

Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, the board may lend to the board of guardians, and the board of guardians may borrow from the board, such money as the board think fit, and as the board of guardians are authorized and desire to borrow.

The aggregate amount lent by the board under this section shall not exceed one hundred and twenty thousand pounds.

The board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest, within such time after the borrowing as the board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.

The board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for board to lend to corporations, burial boards, &c.

9. Where any corporation, body of commissioners, burial board, or other public body having power to levy, directly or indirectly, rates in respect of lands in the metropolis, as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis as so defined, or to take within the metropolis as so defined dues or impositions in the nature of rates, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, with the approval of the Treasury, the board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the board, such money as the board think fit, and as the corporation, commissioners, burial board, public body are authorized and desire to borrow.

The aggregate amount lent by the board under this section shall not exceed fifty thousand pounds.

The board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the board under this section shall, notwith-, standing anything in any other Act, be repaid to them with interest within such time after the borrowing as the board and the borrowers, with the approval of the Treasury, agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the board shall from time to time carry to the consolidadated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of the managers of the metropolitan asylum district or of the School Board for London.

Extension of amount of loans by board for metropolitan asylum district.

10. The board may from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, lend to the managers of the metropolitan asylum district, in addition to the sum of five hundred thousand pounds authorized by section thirty-seven of the Metropolitan Board of Works (Loans) Acts, 1869, and to the sum of one hundred thousand pounds authorized by section seventeen of the Metropolitan Board of Works (Loans) Act, 1871, and to the sum of one hundred thousand pounds authorized by section seven of the Act of 1875, such sums as the managers are from time to time authorized by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to, not exceeding in the whole one hundred thousand pounds; and the first-mentioned section shall be construed as if eight hundred thousand pounds were therein substituted for five hundred thousand pounds.

Alteration of limitation of borrowing power.

11. The limitation on the borrowing power of the board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the board for purposes mentioned in this Act.

Repayments to go to consolidated loans fund.

12. All sums received by the board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund.

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39 & 40 VICT. CHAP. 61.

AN ACT to provide for the better arrangement of divided Parishes and other local areas, and to make sundry amendments in the Law relating to the Relief of the Poor in England.

[15th August, 1876.]

WHEREAS many parishes in England are divided and some unions are formed in a manner which renders their arrangements inconvenient, and whereas other unions are too large in extent for the purposes of the relief of the poor and other local administration, and it is expedient that provision should be made for remedying these inconveniences:

And whereas other amendments are required in the laws for the relief of the poor in England;

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows (that is to say):—

The Local Government Board may make provisions for divided parishes.

1. Where any parish shall be divided so as to have its parts or any of them isolated in some parish or parishes or otherwise detached the Local Government Board may, as and when they shall see fit, after local inquiry to be held upon notice duly given to the clerk of the peace of the county or counties in which the parts of the parish are situated, and in the parishes to be affected in the manner prescribed, or usually adopted therein, for the publication of parochial notices, make an order, to take effect at the expiration of some period not less than three months from the day when a copy of such order shall have been sent to the overseers, either for constituting separate parishes out of the divided parish or for amalgamating some of the parts thereof with the parish or parishes in which the same may be locally included, or to which they may be annexed, as shall appear to such board to be most convenient, and providing where re-

quisite for a change of the county of the parish or part of a parish (*a*).

If one-tenth of ratepayers object, the order shall be provisional only.

2. If one-tenth in number and rateable value of the persons appearing on the rate in force for the time being to be rated to the relief of the poor in any parish affected by such order shall give notice to the Local Government Board in writing of objection to the same, within three months after copies of such order shall have been sent to the overseers of the parishes affected thereby, the order shall be deemed to be a provisional order only, and shall be dealt with accordingly.

State of parishes after new order.

3. From and after the twenty-fifth day of March next ensuing the day when such order, if not objected to, shall take effect, and in the case of a provisional order next ensuing the date of the Act of parliament confirming the same, the several parts of every parish to which such order shall apply shall be and continue to be constituted in the manner directed by the said order, and the officers of the several parishes affected thereby shall be empowered and shall be required to act as if such parishes had been constituted in the manner directed prior to the issue of such order.

Ecclesiastical divisions and municipal boundaries not to be affected.

4. Nothing herein contained shall apply to the ecclesiastical divisions of parishes, nor to the constitution of school districts, without the sanction of the Education Department, or shall alter the boundaries of any municipal borough, and for the purposes of the election of members of parliament and of burgesses in municipal boroughs, of the jury lists, of the action of the justices, and of the police and constables (*b*), ~~and~~ parishes shall continue to be deemed unaltered until new lists are made and new constables are appointed.

Provision for highway district.

5. Where a parish affected by the order shall be included in a highway district, its condition therein and the appointment of the waywarden thereof shall be changed according to the terms of the order, whether its area or contents be diminished or increased thereby.

Overseers to be appointed

6. Every parish constituted under this Act by the order of the Local Government Board shall, notwithstanding the prohi-

(*a*) See 30 & 31 Vict. c. 106, s. 3, vol. 2, p. 1309; and 32 & 33 Vict. c. 63, ss. 4 and 22, vol 2, pp. 1355, 1359.
(*b*) See 35 & 36 Vict. c. 92, vol. 2, p. 1450.

for the parish so created.

bition as to the appointment of overseers contained in the twenty-second section of the Poor Law Amendment Act, 1844 (*a*), be a parish for which an overseer shall be appointed, and for all other lay and civil purposes to which a parish may be liable or entitled.

The meeting of the inhabitants of the same qualified as in the case of any ordinary parish shall be deemed the vestry meeting thereof, and the rector, vicar, or perpetual curate having cure of souls in the greater part thereof shall, when present, be the chairman thereof, unless the Local Government Board shall determine in their order which of such incumbents shall be such chairman, and all the documents of the respective parishes shall be deposited and kept in such place as the Local Government Board by their order shall appoint.

Provision for compensation.

7. If any person shall be deprived of any office or employment, or if his profits in respect thereof shall be diminished under or by reason of any provision of this Act, the Local Government Board may, if they see fit, award by their order a compensation to him, according to their judgment, to be paid out of such fund and in such manner as shall appear to them to be equitable.

Adjustment to be made of property and debts.

8. The said board shall make due adjustment of the property, if any, and of the debts or liabilities of the parishes among the several parts thereof according to the alterations caused by the order, and the arrears of rates due at the time when the order takes effect shall be recovered by the overseers or other officers properly competent to do so, and from the persons liable, as if there had been no alteration, and the justices, who shall make a county rate upon any such parishes before a new basis for the same shall be established, shall make due provision therein for the alterations aforesaid.

Provided that no person shall be liable to any rate made in the parish to which the part of the parish wherein his land or premises shall be situated may be added before the said twenty-fifth day of March.

Endowments for benefit of divided parish not to be affected.

9. Nothing herein contained shall prejudice, vary, or affect any right, interest, or jurisdiction in or over any charitable endowment which now is, or hereafter shall be, applicable for the benefit of a divided parish, as defined by section one of this Act, or the inhabitants thereof.

(*a*) See 7 & 8 Vict. c. 101, s. 22, vol. 2, p. 779.

Poor Law Amendments.

Husbands and wives in workhouses.

10. When any two persons, being husband and wife, shall be admitted into any workhouse, and either of them shall be infirm, sick, or disabled by any injury, or above the age of sixty years, it shall be lawful for the guardians of the union or parish to which such workhouse shall belong to permit in their discretion such husband and wife to live together, and every such case shall be reported forthwith to the Local Government Board (*b*).

Local Government Board under certain circumstances may dissolve a union.

11. If it shall appear to the Local Government Board that it is expedient for rectifying or simplifying the areas of management or otherwise for the better administration of the relief of the poor that any union, whether formed under the Poor Law Amendment Act, 1834, or otherwise, should be dissolved, the said board may, after inquiry held in some one of the unions to be affected, after public notice, so that all persons interested in the same may attend and be heard thereat, issue their order for the dissolution of any such union, and such dissolution shall have the same effect and be attended with the same consequences as in the case of a union dissolved under the provisions of the said Act of 1834 (*c*).

Division of parish into wards for election of guardians.

12. The nineteenth section of the Poor Law Amendment Act, 1844, shall be repealed, and the Local Government Board may by their order divide any parish into wards for the election of guardians, and determine the number of guardians to be elected for every such ward, having due regard to the value of the rateable property therein ; and each such ward shall for the purposes of such election be deemed to be a separate parish, except so far as the said board may otherwise order.

Change of name of union.

13. The Local Government Board may, when they see fit, by their order change the name of any union, and direct how such change of name shall be published ; no such change of name shall affect any rights or obligations of, or securities given by or to the said union, or render defective any legal proceedings instituted by or against the said union ; and any legal proceedings may be continued or commenced by or against the said union by their new name which might have been continued or commenced by or against the union by their former name.

(*b*) See 10 & 11 Vict. c. 109, s. 23, vol. 2, p., 870.
(*c*) See 4 & 5 Will. 4, c. 76, s. 32, vol. 1, p. 550.

Paupers not to vote at election of guardians.

14. No person shall be entitled to vote in the election of a guardian or in the election to an office under the provisions of any statute who shall be in receipt of relief given to himself or his wife or child, or who shall have been in receipt of such relief on any day during the year last preceding such election. In the case of any person objected to on this ground a certificate from the clerk of the guardians under his hand shall be sufficient evidence of such person having received relief.

Guardians of unions and parishes may pay for information required for the effectual discharge of duties.

15. The guardians of any union or parish, or the board of overseers of any parish incorporated under a local Act, may pay the reasonable expenses incurred in the preparation and collection of information required of or by them respecting any matter which is submitted to their management, supervision, or control, and charge the amount in the case of a union to their common fund or as general or special expenses, according as the subject-matter relates to the general concern of the union or district or to some separate part thereof, and in the case of the board of guardians of a parish or board of overseers to the fund under their control.

Local Government Board to settle payments to officers for the same.

16. If the guardians or board of overseers require any such information from any of their officers, the amount payable may, if there be any disagreement on the subject, be settled by the Local Government Board.

Superannuation allowances not affected by services as registrar of marriages or sanitary officer.

17. If any officer seek a superannuation allowance from the guardians of any union or parish, or from the overseers of any such parish under any statute applicable to such allowance, his services as a registrar of marriages, or under any of the provisions of the Sanitary Acts as defined by "The Public Health Act, 1875," (*a*) or of that Act, shall not operate to prevent him from obtaining the same (*a*).

The 7 & 8 Vict. c. 101, s. 25, extended.

18. The provision contained in the twenty-fifth section of the Poor Law Amendment Act, 1844 (*b*), relating to relief, whereby relief to a woman whose husband appears to be beyond the seas is to be given to her in the same manner and subject to the same conditions as if she were a widow, shall apply to a married woman living separate from her husband.

(*a*) See 38 & 39 Vict. c. 55, s. 4. (*b*) See vol 2, p, 780.

Provisions against persons who desert their families.

19. Proceedings may be taken against any person who runs away and leaves his wife or his or her child chargeable, or whereby she or they or any of them shall become chargeable to any union or parish at any time within two years after the commission of the offence, and a summons or warrant in respect thereof may be issued upon the information of any relieving officer of the guardians stating that relief has been applied for on behalf of the wife or child, and that he is informed and believes that the husband or parent, as the case may be, has left the wife or child and gone away, any law or statute to the contrary notwithstanding. The justices to hear the complaint against a husband, under the thirty-third section of the Act of the thirty-first and thirty-second years of Her Majesty, chapter one hundred and twenty-two, may be other than those who summoned him to appear before them, but acting for the same petty sessional division (*c*).

Jurisdiction of justices to make orders on husband of a lunatic.

20. Where an order upon the husband of a lunatic to contribute towards her maintenance is sought to be obtained under the provisions of section five of the Poor Law Amendment Act, 1850 (*d*), the justices having jurisdiction in the union or parish, the guardians whereof shall make the application, shall be empowered to issue the summons and make the order instead of the justices having jurisdiction in the place where he may dwell.

Extension of 7 & 8 Vict. c. 101, s. 56, as to registration to the case of a workhouse situated in two parishes, and provision for deaths of paupers in district schools and asylums.

21. The provision as to the registration of births and deaths in a workhouse contained in the fifty-sixth section of the Poor Law Amendment Act, 1844 (*e*), shall be extended to the case of a workhouse which is situated in two parishes, so that the registration shall take place in the parish to which the workhouse belongs, or if the parishes be not both in the same union then in that parish of the union to which the workhouse belongs in which any part of the workhouse is situated.

And when a union is comprised in any school or other district the death of any pauper in the school or asylum of such district shall for the purposes of burial be deemed to have taken place in the parish of the union from which such pauper was sent to the said school or asylum, or to the workhouse of the union, as

(*c*) See 5 Geo. 4, c. 83, s. 4, vol. 1, p. 433; and 31 & 32 Vict. c. 122, s. 33, vol. 2, p. 1334.
(*d*) See 13 & 14 Vict. c. 101, s. 5, vol. 2, 954.
(*e*) See 7 & 8 Vict. c. 101, s. 56, vol. 2, p. 802.

the case may be, and the charges of the burial shall be borne by the common fund of such union.

Extension of 12 & 13 Vict. c. 103, s. 14.

22. The provision in the fourteenth section of the Poor Law Amendment Act, 1849 (*a*), which enables guardians of a union or parish to contract to receive in their workhouse certain paupers chargeable to some other union or parish shall be extended to the managers of a district or other asylum for the reception of paupers, and to every case where the Local Government Board shall deem it expedient and shall give their consent, until such consent shall be withdrawn.

Trustees may pay cost of pauper's relief out of annuity payable to such pauper.

23. Where any pauper shall be entitled to any annuity or periodical payment, the trustee or other person bound to make payment of the same to the pauper may from time to time pay to the board of guardians of any union or parish, out of the instalments which have become due, the cost incurred in the relief of such pauper accrued since the last instalment, and such payment shall be a legal discharge to such trustee or other person for so much money as shall have been so paid.

Where the guardians incur any expenses in the relief of a pauper lunatic, being a member of a benefit or friendly society, and as such entitled to receive any payment, they may recover from him, as a debt, or from his executors, administrators, or assigns, in case of his death, the sum so expended by them as aforesaid, and the managing body of that society, after notice from the clerk to the guardians, served previously to the money being paid over, shall be required to pay the same to such guardians, and shall be exonerated on payment thereof from any further liability.

Where any trustee, manager, or other person shall decline to make any payment, the guardians may apply to the justices in petty sessions assembled, and such justices may, if satisfied that it is right under all the circumstances to do so, make an order upon him to pay the requisite amounts then due to the guardians at once, and to pay from time to time in future as the liability in respect of the relief arises thereafter.

Provided that this clause shall not have effect unless and until the guardians or their relieving officer shall have declared the relief to be given on loan, nor in respect of any relief granted contrary to the rules and orders made under the authority of the statutes in that behalf.

(*a*) See 12 & 13 Vict. c. 103, s. 14, vol. 2, p. 938.

Costs in bastardy.

24. In any proceeding by the guardians of the poor under the Act 36 Vict. c. 9, for obtaining an order upon the putative father of a bastard child (*b*), it shall be competent for the justices making the order to award costs to and against the parties in like manner and to the like effect as in the case of orders for the payment of money made under 11 & 12 Vict. c. 43.

Recovery of costs by guardians of a parish.

25. The board of guardians of a parish may recover the costs of and obtain orders for the maintenance of a pauper in like manner as the guardians of a union can do under the provisions of the 11 & 12 Vict. c. 110 (*c*), and from and after the twenty-ninth of September next such guardians, when authorized by the Local Government Board to do so, shall be entitled to apply for orders of removal, and to defend appeals against any such orders obtained, in the place of the overseers, and with the like powers and subject to the like liabilities as guardians of a union are entitled or are subject to in respect of such orders (*d*).

Provision for pauper lunatics sent from boroughs to licensed houses and registered hospitals.

26. Where any pauper lunatic shall have been or shall hereafter be sent from any part of a borough wholly or partly comprised within a union or parish to any licensed house or registered hospital, and the account of the charges for the maintenance of such lunatic therein shall be sent to the guardians of the said union or parish, their clerk shall divide the said account into two parts, one of which shall contain the amount which would have been paid for such lunatic if he had been maintained in the asylum of the county wherein the said union or parish or the greater part of it is comprised, and the other shall contain the extra sum in such account, and the said guardians having paid the whole of such charges may send the second account, together with an account of any extra expenses caused by the removal of such lunatic to the place of confinement, to the town council of the borough from which such lunatic was so sent, and such council shall thereupon pay the amount of such accounts to the said guardians, and if the same be not paid the amount may be recovered by the said guardians by process in any court of law as a debt. This section shall not apply to any borough which has provided or contributed to the providing a pauper lunatic asylum (*e*).

(*b*) See 36 Vict. c. 9, s. 5, *ante*, p. 2.
(*c*) See 11 & 12 Vict. c. 110, s. 8, vol. 2, p. 900.
(*d*) See 28 & 29 Vict. c. 79, ss. 2–7, vol. 2, pp. 1242, 1243.
(*e*) See 30 & 31 Vict. c. 106, s. 23, vol. 2, p. 1313; and 31 & 32 Vict. c. 122, s. 14, vol 2, p. 1329.

Repeal of 56 Geo. 3, c. 139, s. 1, relating to parish apprentices.

27. The first section of the Act of the fifty-sixth year of King George the Third, chapter one hundred and thirty-nine, relating to the binding of parish apprentices is hereby repealed (*a*).

Boys in receipt of relief, who are desirous of it may be forwarded by the guardians for examination for the naval service.

28. If any boy not already an apprentice in the merchant service who, or whose parent or parents, shall be receiving relief in any union or parish, be desirous of serving in the naval service of Her Majesty, and be forwarded for approval by competent authority for such service, the guardians of the poor of such union or parish may enable any such boy to be so forwarded, and may pay out of their funds such sum, if any, as may be required by the regulations of such service for providing outfit or otherwise, and also such expenses as may be necessary to be incurred for the conveyance of such boy in charge of a proper person to and from the port or place in the United Kingdom at which he may be required to attend for examination, and, if accepted, for entry into such service.

Provision for the balances of outgoing overseers.

29. Whereas it frequently happens that the amount to be recovered by the overseers or their successors in the rate last made before the termination of their year of office is insufficient to meet the demands upon them, and the said overseers pay the necessary excess out of their funds, but the rule of law applicable to such payments will not allow such payments to be reimbursed to them out of any subsequent rate, and great hardship arises therefrom: now, therefore, it is hereby enacted, that henceforth in any such case the payment of an overseer to his predecessor in respect of any money so paid by him in excess, if otherwise lawful, may be allowed by the auditor if it appear to him that the said payment in excess did not arise from the negligence or wilful action of the overseer so paying the sum out of his own funds.

Existing disallowances discharged.

All disallowances and surcharges made on the ground of the said rule of law by an auditor prior to the passing of this Act, in respect of any accounts due at or prior to the twenty-fifth of March last and not remitted, shall be and the same are herewith discharged, unless the Local Government Board shall in any case otherwise direct.

Repeal of the exemption of

30. So much of the Act four and five Victoria, chapter forty-eight, as exempts the property of municipal corporations from

(*a*) See vol. 1, p. 363.

being rated to the relief of the poor in the cases therein-mentioned is hereby repealed (*b*). corporate property.

31. In all cases where a warrant of distress is issued for the recovery of a poor rate the person against whom the same is issued shall be liable to pay the cost of such warrant, and of the broker or other officer for his attendance to make the levy, although such person may tender the amount of the rate before any levy is made. Broker's charges.

32. The justices of the peace of every county in quarter or general sessions assembled shall from time to time make such allowances as to them shall seem proper as compensation to the clerks to the justices in the several divisions in the county for their services in relation to the revision and allowance of the jury lists (*c*). Justices to make allowances to clerks of justices in respect of jury lists.

Every such allowance shall be charged upon and be paid out of the county stock or fund.

33. The guardians of any union or parish or the managers of any district school may appoint and pay any officer or other competent person to visit and report upon the condition, treatment, and conduct of any poor child under the age of sixteen who shall have gone into service from the workhouse of such union or parish or from such district school (*d*). Appointment of visiting officer.

Provisions as to the Law of Settlement and Removal.

34. Where any person shall have resided for the term of three years in any parish, in such manner and under such circumstances in each of such years, as would in accordance with the several statutes in that behalf render him irremovable (*e*), he shall be deemed to be settled therein until he shall acquire a settlement in some other parish by a like residence or otherwise: provided that an order of removal in respect of a settlement acquired under this section shall not be made upon the evidence of the person to be removed, without such corroboration as the justices or court think sufficient (*f*). Settlement for persons by residence.

(*b*) See 4 & 5 Vict. c. 48, s. 1. vol. 2, p. 709.
(*c*) 7 & 8 Vict. c. 101, s. 60, vol. 2, p. 806.
(*d*) See 14 & 15 Vict. c. 11, ss. 4, 5, vol. 2, p. 958.
(*e*) See 9 & 10 Vict. c. 66, s. 1. vol. 2, p. 845.
(*f*) See *Reg.* v. *Ipswich*, *post*, p. 215; *Brampton Union* v. *Carlisle Union*, *post*, p. 216; and *Barton Regis* v. *Clerk of the Peace for Berks*, p. 216.

Abolition of derivative settlements.

35. No person shall be deemed to have derived a settlement from any other person, whether by parentage, estate, or otherwise, except in the case of a wife from her husband, and in the case of a child under the age of sixteen, which child shall take the settlement of its father or of its widowed mother, as the case may be, up to that age, and shall retain the settlement so taken until it shall acquire another (*a*).

An illegitimate child shall retain the settlement of its mother until such child acquires another settlement (*b*).

If any child in this section mentioned shall not have acquired a settlement for itself, or being a female shall not have derived a settlement from her husband, and it cannot be shown what settlement such child or female derived from the parent without inquiring into the derivative settlement of such parent, such child or female shall be deemed to be settled in the parish in which he or she was born.

Proviso for pending orders of removal.

36. The provisions relating to settlement shall not apply to any pauper removed under any order of removal, or without such order under the provision in that behalf contained in the Union Chargeability Act, 1865, before the passing of this Act (*c*), or in receipt of non-resident relief lawfully given, or in respect of whom any order of removal shall be pending at the passing of this Act.

Rates made by overseers not now audited made subject to the audit of district auditor.

37. From and after the twenty-fifth day of March next, when an overseer shall make and levy any rate or assessment which is not now subject to be audited by the district auditor, or by any auditor or auditors appointed under or by virtue of the Metropolis Local Management Act, such rate or assessment, and the accounts relating thereto, shall be submitted by him, and by the collector thereof, if any, to the said auditor, in the like manner, and with the like incidents, consequences, liabilities, and power of appeal as in the case of the poor rate made by such overseer; and every other audit of such rate or assessment, if any, shall cease (*d*).

(*a*) See *Barton Regis* v. *Liverpool, post*, p. 218; *Westbury-on-Severn* v. *Barrow-in-Furness, post*, p. 217; *Great Yarmouth, app., Clerk of the Peace of the City of London, resp., post*, p. 216; *Woodstock Union* v. *St. Pancras, post*, p. 217.

(*b*) 4 & 5 Will. c. 76, s. 71, vol. 1, p. 579.

(*c*) See 28 & 29 Vict. c. 79, s. 6, vol 2, p. 1243.

(*d*) (1) Lighting and watching rate, 3 & 4 Will. 4, c. 90, ss. 9, 33, vol. 1, pp. 522, 526; (2) Borough or watch pound rate, 1 Vict. c. 81, s. 1, vol. 2, p. 662; 2 & 3 Vict. c. 28, ss. 1, 2, vol. 2, pp. 670, 671; 22 & 23 Vict. c. 32,

And the Local Government Board shall have the same power to make orders to regulate the keeping of such accounts as they have in regard to other local rates.

Auditor's decision upon a joint account may be reversed or remitted in favour of one or some only of the parties.

38. When an auditor shall have allowed, disallowed, or surcharged a sum in any account rendered to him jointly, and an appeal shall be made against the same, the decision of the auditor may be reversed by the court or the Local Government Board, as the case may be, and the disallowance or surcharge may be remitted by the said board in favour of one or more of the persons appealing only without discharging the other person or persons against whom such decision of the auditor was pronounced (*e*).

Statement by owner pursuant to statute 7 & 8 Vict. c. 101, s. 15.

39. No statement by an owner pursuant to the Act of the seventh and eighth years of Victoria, chapter one hundred and one, section fifteen (*f*), shall be valid, or shall entitle him to be placed in the registry of owners entitled to vote for the guardians of the poor of any parish, unless such statement contain an address for service within the parish in respect of which such owner shall claim to vote, and all voting papers and notices left at such address shall be deemed to be sufficiently served on such owner: provided that such owner may, as and when he sees fit, change such address, and if he give notice in writing of such change, the same shall be substituted in the register of owners and dealt with accordingly.

Metropolitan Provisions.

Explanation of the Metropolitan Poor Act as to the power o form districts for all classes of poor.

40. Whereas doubts have been entertained as to the extent of the powers given to the Poor Law Board by sections five and six of the Metropolitan Poor Act, 1867 (*g*), it is hereby enacted and declared that those powers may be exercised by the Local Government Board in order to the provision of asylums, workhouses, or other buildings for the reception of any class or classes of the poor chargeable in the metropolis.

ss. 5, 6, vol 2, p. 1136; (3) Burial board rate, 18 & 19 Vict. c. 128, s. 13, vol 2, p. 1099; (4) South Wales highway rates, 23 & 24 Vict. c. 68, s. 22, vol. 2, p. 1146; (5) School board rate, 33 & 34 Vict. c, 75, s. 54, vol. 2, p. 1408.

(*e*) See 7 & 8 Vict. c. 101, ss. 35, 36, vol. 2, pp. 791, 792; and 11 & 12 Vict. c. 91, s. 4, vol. 2, p. 893.

(*f*) See vol. 2, p. 776; and 30 & 31 Vict. c. 106, s. 8, vol. 2, p. 1310.

(*g*) See Vol. 2, p. 1271.

Extension of power of determining or varying contracts given by 30 & 31 Vict. c. 6, s. 59.

41. The powers conferred upon the Poor Law Board by section fifty-nine of the Metropolitan Poor Act, 1867 (*a*), to determine or vary the contracts with any medical or other workhouse officers existing at the passing of that Act, may be exercised by the Local Government Board for the purpose of improving the classification of all classes of paupers in addition to the purposes in the said section specified, and with reference to the contract with or the appointment of any officer appointed by a board of guardians irrespective of the date of the appointment or contract.

Power of managers in respect of patients not paupers.

42. If the managers of a district constituted under the provisions of the Metropolitan Poor Acts shall have admitted any sick person into their asylum not being a pauper, but under circumstances of urgency, they shall have and may exercise the like powers over such person, and shall have the like remedies for the recovery of all reasonable charges incurred on behalf of any such person as are conferred by the Poor Law Acts upon guardians over paupers, and for the recovery of relief given or deemed to be given by way of loan to any such pauper (*b*).

But the said powers and remedies shall not be exercised or put in force by the managers until they shall have been authorized to do so by the Local Government Board, and shall be exercised subject to any restrictions which may be imposed from time to time by the board.

Provided also, that no sum shall be recoverable by managers under the provisions of this Act in respect of any expenses incurred by them other than those which shall be the subject of a separate charge in respect of an inmate to any union or parish in the district (*c*).

The exemption of the Inns of Court and the Charterhouse removed.

43. From and after the first day of September next so much of the twentieth Victoria, chapter nineteen, section three (*d*), as provides that the Inner Temple, the Middle Temple, Gray's Inn, and the Charterhouse, London, shall not be added to any union or other district for the purposes therein referred to, shall be repealed.

Provided, that no such Inn of Court shall be added to a union or parish so long as the benchers thereof shall make payments, as regards the Inner Temple and the Middle Temple to the guardians of the poor of the City of London Union, and as regards Gray's Inn to the guardians of the poor of the Holborn

(*a*) See 30 Vict. c. 6, s. 59, vol. 2, p. 1281.
(*b*) See 4 & 5 Will. 4, c. 76, s. 59, vol. 1, p. 572; 11 & 12 Vict. c. 110, s. 8, vol. 2, p. 900.
(*c*) See 30 Vict. c. 6, s. 32, vol, 2, p. 1275.
(*d*) See 20 Vict. c. 19, s. 3, vol. 2, p. 1106.

Union, of such sum as shall be called for by such guardians respectively as a contribution in aid of the common fund of such unions upon a precept framed according to the form set forth in the schedule hereto annexed, or to the like effect, which sum, together with the costs of collection, shall, when the masters of the bench of any Inn think proper, be paid out of a rate in the nature of a poor rate to be made and levied by the overseer or overseers of the said Inn, as in the case of a poor rate made and levied in any other parish.

Such contribution shall be based upon the annual rateable value of the said Inn as settled by the valuation list in force for the time being, if any, or otherwise as settled by the Local Government Board for its contribution to the Metropolitan Poor Fund, and shall be calculated and issued in every respect as if the said Inn were a parish comprised in the said union, but so nevertheless that such contribution shall not include any sum, whether for principal or interest, in respect of repayment of moneys borrowed and charged on the poor rates of the parishes comprised in the said union or on the common fund thereof.

Provided also, that the contribution of the respective unions towards such Metropolitan Poor Fund shall be calculated upon the annual rateable value of such unions increased by the annual rateable value of the Inn or Inns contributing thereto as aforesaid, and the provisions of the Metropolitan Poor Act, 1867, applicable to any such Inn of Court, shall cease to operate so long as the contributions herein described are paid in respect of such Inn: provided also, that from and after the said first day of September next the registrar of the Charterhouse shall cease to be the overseer of the parish of the Charterhouse, and the justices of the peace having jurisdiction in the place shall forthwith appoint an overseer to act for the said parish until the time of the next annual appointment of overseers; and thenceforth appointments shall be made as in the case of other parishes; and every such overseer shall have all the powers and privileges and shall be subject to all the duties which by law attach to such an officer (*e*).

Interpretation clause.

44. The words herein contained shall be construed as in the Poor Law Amendment Act, 1834, and in the Acts amending or extending the same, and the provisions contained therein and not repealed shall, so far as they shall be consistent herewith, be extended to this Act (*f*).

(*e*) See 30 Vict. c. 6, ss. 66-68, vol. 2, p. 1282.
(*f*) See 4 & 5 Will. 4, c. 76, s. 109, vol. 1, p. 605.

The word "pauper" in the statute of the thirty-fourth and thirty-fifth years of Her present Majesty, chapter one hundred and eight, section seven (sub-section five) (*a*), shall include any person who shall obtain relief by wilfully giving a false name, or making a false statement, and such person may be proceeded against as an idle and disorderly person at any time while he continues to receive such relief.

Short title.

45. This Act may be cited and described for all purposes as "The Divided Parishes and Poor Law Amendment Act, 1876."

SCHEDULE.

PRECEPT FOR A CONTRIBUTION FROM AN INN OF COURT.

To the benchers of

You are hereby required to pay to of , the treasurer of the guardians of the poor of the union, on behalf of such guardians, on the day of , the sum of pounds shillings and pence, as the contribution of the above-named Inn of Court in aid of the common fund of the said union, such amount having been duly calculated according to the provisions of the Divided Parishes Poor Law Amendment Act, 1876, and to take the receipt of the said treasurer indorsed upon this paper for the said sum of

Given under our hands at a meeting of the guardians of the poor of the said union held on the day of .

(Signed *X.Y.*, Presiding Chairman.
W.X., *U.V.* } Guardians.

Countersignature of the Clerk to the Guardians.

Indorsement.

Received this day of 18 of the within named benchers the sum of on behalf of the within named guardians.

Treasurer of the Union.

(*a*) See 34 & 35 Vict. c. 108, s. 7, vol. 2, p. 1436.

39 & 40 VICT. CHAP. 79.

An Act to make further provision for Elementary Education.
[15th August, 1876.]

WHEREAS it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the "Elementary Education Act, 1876." Short title.

2. This Act shall not, save as otherwise expressly provided, apply to Scotland or Ireland. Extent of Act.

3. This Act shall, save as otherwise expressly provided, come into operation on the first day of January, one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act). Commencement of Act.

PART I.

Law as to Employment and Education of Children.

4. It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act (*b*). Declaration of duty of parent to educate child.

5. A person shall not, after the commencement of this Act, take into his employment (except as hereinafter in this Act mentioned) any child— Regulation as to employment of child under

(*b*) See sects. 11, 12, and 37 *post*, pp. 84, 85, and 98.

ten, and certificate of education or previous school attendance being condition of employment of child over ten.

(1.) Who is under the age of ten years; or

(2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic (*a*), or of previous due attendance at a certified efficient school (*b*), as is in this Act in that behalf mentioned, unless such child, being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any bye-law of the local authority (hereinafter mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.

Penalty for employing a child in contravention of Act.

6. Every person who takes a child into his employment (*c*) in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings (*d*).

Enforcement of Act by school board or school attendance committee of existing local authority or by inspectors of factories or mines.

7. The provisions of this Act respecting the employment of children shall be enforced—

(1.) In a school district within the jurisdiction of a school board, by that board; and

(2.) In every other school district by a committee (in this Act referred to as a school attendance committee) appointed annually, if it is a borough, by the council of the borough, and, if it is a parish, by the guardians of the union comprising such parish.

A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one third at least shall consist of ex-officio guardians, if there are any and sufficient ex-officio guardians.

Every school board and school attendance committee (in this Act referred to as the local authority) shall, as soon as may be,

(*a*) See sect. 24, *post*, p. 92, and rules 1, 2, and 3, *post*, p. 110.
(*b*) See sect. 48, *post*, p. 104.
(*c*) See sect. 47, *post*, p. 104.
(*d*) See sects. 5, 7, 9, 33, 39 47, and 50; also sects. 37, 38, 39, *post*.

publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known.

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

It shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district which may come to their knowledge, and also to forward to the Education Department any complaint which they may receive of the infraction of those provisions.

* * * * *

Exception to prohibition of employment of children.

9. A person shall not be deemed to have taken any child into his employment (*e*) contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either—

(1.) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner; or

(3.) That the employment is exempted by the notice of the local authority hereinafter next mentioned; (that is to say,)

(*e*) See sect. 47, *post*, p. 104.

The local authority may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this Act the employment of children above the age of eight years, for the necessary operations of husbandry and the ingathering of crops, for the period to be named in such notice : Provided that the period or periods so named by any such local authority shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The local authority shall cause a copy of every notice so issued to be sent to the Education Department and to the overseers of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the door of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit.

Payment of school fees for poor parents.

10. The parent, not being a pauper, of any child who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides ; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding three pence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

The parent shall not by reason of any payment made under this section be deprived of any franchise, right or privilege, or be subject to any disability or disqualification.

Payment under this section shall not be made on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends, or does not attend any particular public elementary school.

The twenty-fifth section of the Elementary Education Act, 1870, is hereby repealed.

Provision as to order of court for attendance at school of child habitually

11. If either—

(1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable

excuse neglects to provide efficient elementary instruction for his child; or

neglected by parent or habitually wandering and consorting with criminals or disorderly persons.

(2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

(1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

Proceedings on disobedience to order of court for attendance at school.

12. Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows:

(1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and

(2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at less interval than two weeks.

A child shall be sent to a certified industrial school (*a*) or certified day industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

29 & 30 Vict. c. 118.

Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.

13. Where the local authority are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to to be sent under this Act, or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act (*b*).

Industrial School.

License to child sent to

14. Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act, 1866, upon the

(*a*) See 29 & 30 Vict. c. 118, s. 5, vol. 2, p. 1258; and *ib.* sects. 39, 40, p. 1264; also sect. 16, *post*, p. 87.

(*b*) See 29 & 30 Vict. c. 118, sect. 14, p. 1258; also 34 & 35 Vict. c. 112, s. 14, p. 1438.

complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent give him a license under section twenty-seven of the Industrial Schools Act, 1866, to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the license, some school willing to receive him and named in the license, and being a certified efficient school (*c*). Industrial school to live out while attending school.

15. The consent of one of Her Majesty's Principal Secretaries of State, and not of the Education Department, shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrowing section ten of the Elementary Education Act, 1873, shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein for the Education Department, and such establishment and building shall be deemed to be a work for which a school board is authorized to borrow within the meaning of the first schedule to the Public Works Loans Act, 1872 (*d*). Amendment as to provision of industrial school by school board.

Day Industrial School.

16. If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school. Establishment &c., of day industrial schools.

Any child authorized by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day

(*c*) See 29 & 30 Vict. c. 118, s. 27, p. 1262.
(*d*) See 33 & 34 Vict. c. 75, s. 28, vol. 2, p. 1408, and 38 & 39 Vict. c. 89, *ante*, 41.

industrial school by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorized by the rules of the school approved by the said Secretary of State.

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a certified day industrial school,—

(1.) A prison authority within the meaning of the Industrial Schools Acts, 1866, and a school board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school; and

(2.) There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends; and

(3.) Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under this Act; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees; and

(4.) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum, not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends.

It shall be lawful for Her Majesty from time to time, by order in council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by order in council, to revoke and vary any order in council made under this section.

Every such order shall be laid before both Houses of Parliament within one month after it is made if parliament be then sitting, or if not, within one month after the beginning of the then next session of parliament, and while in force shall have effect as if it were enacted in this Act.

A Secretary of State may from time to time make, and when made revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided, that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of withdrawal is given, if parliament be then sitting, or if not, within one month after the then next meeting of parliament.

Conditions of contribution to day industrial schools.

17. The conditions of a parliamentary contribution to certified day industrial school (*a*) to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before parliament in the same manner as minutes of the Education Department relating to the annual parliamentary grant.

* * * * *

Bye-laws.

School attendance committee to have like powers with school boards of enforcing by bye-law attendance of children.

21. In a school district not within the jurisdiction of a school board, if it is a borough the school attendance committee may, if they think fit, and if it is a parish the school attendance committee for the union comprising such parish, on the requisition of the parish, but not otherwise, shall make bye-laws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870 (*b*), as if such school attendance committee were a school board.

(*a*) See sect. 16 (2) and (4), *ante*, pp. 88, 89.

(*b*) Sect. 74 of 33 & 34 Vict. c. 75 is as follows:—

Every school board may from time to time, with the approval of the Education Department, make bye-laws for all or any of the following purposes:

(1.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the bye-laws, to cause such children (unless there is some reasonable excuse) to attend school:

(2.) Determining the time during which children are so to attend school; provided that no such bye-law shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour:

(3.) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same:

22. The requisition of a parish to a school attendance committee for the purposes of this Act, if made, shall be made by a resolution passed by the same persons, and in the same manner, and subject to the same regulations of the Education Department, as a resolution for an application to the Education Department for a school board, and the expenses incurred with reference to such resolution may be paid in like manner. Provision as to requisition of parish.

The requisition may be accompanied by representations, made by a resolution passed in like manner, as the nature of the bye-laws desired by the parish, and in making and approving the bye-laws the school attendance committee and Education Department shall consider and have due regard to such representations.

23. For the purposes of this Act section seventy-four of the Elementary Education Act, 1870, and all enactments of that or Provision as to bye-laws under s. 74 of

(4.) Imposing penalties for the breach of any bye-laws:

(5.) Revoking or altering any bye-law previously made.

Provided that any bye-law under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school if one of Her Majesty's inspectors certifies that such child has reached a standard of education specified in such bye-law.

Any of the following reasons shall be a reasonable excuse; namely,

(1.) That the child is under efficient instruction in some other manner:

(2.) That the child has been prevented from attending school by sickness or any unavoidable cause:

(3.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the bye-laws may prescribe.

The school board, not less than one month before submitting any bye-law under this section for the the approval of the Education Department, shall deposit a printed copy of the proposed bye-laws at their office for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of such deposit.

The Education Department before approving of any bye-laws shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

Any proceeding to enforce any bye-law may be taken, and any penalty for the breach of any bye-law may be recovered in a summary manner; but no penalty imposed for the breach of any bye-law shall exceed such amount as with the costs will amount to five shillings for each offence, and such bye-laws shall not come into operation until they have been sanctioned by Her Majesty in council.

It shall be lawful for Her Majesty, by order in council, to sanction the said bye-laws, and thereupon the same shall have effect as if they were enacted in this Act.

All bye-laws sanctioned by Her Majesty in council under this section shall be set out in an appendix to the annual report of the Education Department.

the Elementary Education Act, 1870 (33 & 34 Vict. c. 75) as extended by this Act.

any other Act referring to bye-laws under that section, shall be construed as if "school board" included the authority authorized by this Act to make bye-laws:

Provided that nothing in any bye-law shall authorize the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the bye-laws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

Administrative Provisions.

Supplemental provisions as to certificates of proficiency and previous attendance at school.

24. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the First Schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department may, from time to time, by order make, and when made, revoke and vary regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before parliament in the same manner as minutes of the Education Department relating to the annual parliamentary grant.

Certificates of birth for purposes of Act.

25. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purposes connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to

obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition.

Returns of registrars of births and deaths to school boards.

26. Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

Provision in case of failure of local authority to perform their duty under this Act

27. If the Education Department are satisfied, after such inquiry and such notice to any local authority as they think expedient, that such authority have failed to fulfil their duty under this Act, the Education Department (without prejudice to any other remedy)—

(*a.*) If the authority are a school board, may proceed as if such board were a school board in default within the meaning of the Elementary Education Act, 1870; and

(*b.*) If the authority are not a school board, may by order appoint any persons for a specified period not exceeding two years to perform the duty of the defaulting school attendance committee under this Act, and from time to time change such persons.

During the said specified period the persons so appointed shall perform the duty of the defaulting school attendance committee under this Act, to the exclusion of that committee, and shall in the performance and for the purposes of such duty be invested with all the powers of the school attendance committee, but shall not be subject to any control on the part of the council or guardians who appointed the defaulting committee; but after the expiration of such period a school attendance committee shall forthwith be appointed by the council or guardians as the case may require, and shall resume the duty of the local authority under this Act, subject nevertheless to any

further proceeding under this section in the case of a new default.

All expenses incurred by persons appointed under this section by the Education Department to act in lieu of a defaulting school attendance committee, including such remuneration, if any, as the Education Department may assign to such persons, shall, to the amount certified by the Education Department to be due, be a debt to Her Majesty from the council or guardians by whom the defaulting committee were appointed, and may be recovered accordingly; and the certificate of the Education Department shall be conclusive evidence that the sum named in the certificate is due under this section.

The Education Department shall annually report to parliament the cases in which any proceedings have been taken by them in pursuance of this section.

Officers of local authority.

28. Every local authority, but subject in the case of a school attendance committee to the approval hereinafter mentioned, shall direct one or more of their officers, or the officers of the council or guardians by whom the committee are appointed, to act in the execution of this Act, and of any bye-laws in force within the jurisdiction of such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose.

Power of officer of local authority to enter place of employment.

29. If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place and any person found therein touching the employment of any child therein (*a*).

Any person refusing admission to an officer authorized by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

Provision as to powers and

30. The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board

(*a*) See sects. 5, 37, and 47, pp. 82, 98, 104.

under the Elementary Education Act, 1870, and the provisions of that Act and any Act amending the same shall apply thereto accordingly (*b*). expenses of school board.

31. A school attendance committee under this Act shall not incur any expense, or appoint, employ, or pay any officer without the consent of the council or guardians by whom the committee were appointed, and where they are appointed by guardians, also of the Local Government Board, but with such consent may employ and pay any officer of such council or guardians. The expenses (if any) of a school attendance committee under this Act shall be paid,— Expenses of local authority other than school board.

(1.) Where the committee is appointed by a council, out of the borough fund or borough rate; and,

(2.) Where the committee is appointed by a board of guardians, out of a fund to be raised out of the poor rate of the parishes in which the committee act for the purposes of this Act, according to the rateable value of each parish:

For the purpose of obtaining payment of such expenses, the board of guardians shall have the same powers as they have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor (*c*).

32. Subject to the provisions of this Act the council or guardians may from time to time add to or diminish the number of members of a school attendance committee appointed by them. Provisions as to school attendance committee and appointment of local committee.

A school attendance committee appointed by guardians shall act for every parish in the union which is not for the time being under any other local authority within the meaning of this Act.

A school attendance committee may, if they think fit, appoint different local committees for different parishes or other areas in their district for the purpose of giving the school attendance committee such aid and information in the execution of this Act as may be required by the committee appointing them, but any such local committee shall not have power to make any bye-laws or take any proceeding before a court of summary jurisdiction under this Act.

(*b*) See 33 & 34 Vict. c. 75, ss. 53–56, vol. 2, pp. 1506, 1409.
(*c*) See 2 & 3 Vict. c. 84, s. 1, vol. 2, p. 689.

A local committee may consist of not less than three persons, being, as the school attendance committee appointing them think fit, either wholly members of the council, guardians, or authority by whom that school attendance committee were appointed, or partly such members and partly other persons.

The provisions contained in the Second Schedule to this Act shall apply to every school attendance committee and local committee appointed under this Act.

Power to authorize appointment of school attendance committee by urban sanitary authority.

33. On the application of the urban sanitary authority of an urban sanitary district which is not and does not comprise a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a school board, containing according to the last published census for the time being a population of not less than five thousand, the Education Department may by order authorize the sanitary authority of that district to appoint, and thereupon such authority may appoint, a school attendance committee as if they were the council of a borough, and that committee, to the exclusion of the school attendance committee appointed by the guardians, shall enforce the provisions of this Act in the sanitary district, and be in that district the local authority for the purposes of this Act, and all the provisions of this Act shall apply accordingly as if the sanitary authority were the council of a borough.

Provided, that the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district of such authority, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority.

Any bye-laws in force in an urban sanitary district, or any part thereof, before the appointment of a school attendance committee by the sanitary authority of such district shall continue in force, subject nevertheless to be revoked or altered by the school attendance committee of the sanitary authority in pursuance of section seventy-four of "The Elementary Education Act, 1870," as amended by this Act.

Where an urban sanitary district is not and does not comprise a borough, and is not wholly within the jurisdiction of a school board, and is not within the foregoing provisions of this section, the urban sanitary authority of that district may from time to time appoint such number as the Education Department allow, not exceeding three, of their own members to be members of the school attendance committee for the union in which the district or the part thereof not within the jurisdiction of a school board is situate, and such members, so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, shall be members of the school attendance committee, and have the same powers and authorities as if they had been appointed by the guardians.

Where a school board is appointed after the commencement of this Act for any parish which forms or comprises the whole or part of an urban sanitary district in which the school attendance committee is appointed by the urban sanitary authority, such school attendance committee shall, at the expiration of two months after the election of the school board, cease to act for the urban sanitary district, and the school attendance committee appointed by the guardians shall be the local authority for so much of the urban sanitary district as is not under the school board.

All bye-laws in force at the expiration of the said two months shall continue in force, subject to being revoked or altered by the local authority, in pursuance of section seventy-four of "The Elementary Education Act, 1870," as amended by this Act.

Clerk of school attendance committee of guardians, and application of Acts to guardians and school attendance committee.

34. In a union the clerk of the guardians shall be the clerk of the school attendance committee for the purposes of this Act.

All enactments relating to guardians and their officers and expenses, and to relief given by guardians, shall, subject to the express provisions of this Act, apply as if the guardians, including the school attendance committee appointed by them, and their officers acting under this Act, and expenses incurred, and money paid for school fees and relief given under this Act, were respectively acting, incurred, and paid and given as relief, under the Acts relating to the relief of the poor, and the Local Government Board may make rules, orders, and regulations accordingly.

Any expenses incurred by officers of guardians in carrying into effect section twenty of "The Elementary Education Act, 1873," when paid by such guardians, may be charged by them to the parish in respect of which such expenses are incurred.

Charge to parish of money for school fees.

35. Money given under this Act for the payment of school fees for any child of a parent who is not a pauper and is resident in any parish shall be charged by the guardians having jurisdiction in such parish to that parish with other parochial charges (*a*).

Effect of subsequent appointment of school board.

36. Where a school board is appointed after the commencement of this Act for any school district the authority acting at the time of such appointment as the local authority under this Act shall continue so to act until the expiration of two months after the election of such board, and shall then cease so to act for such district; nevertheless, all bye-laws previously made by the local authority shall continue in force, subject to being revoked or altered in respect of that district by the school board in pursuance of section seventy-four of the Elementary Education Act, 1870.

Legal Proceedings.

Application of 36 & 37 Vict. c. 86, ss. 23-5,

37. Sections twenty-three, twenty-four, and twenty-five (*b*) of the Elementary Education Act, 1873 (which provisions relate

(*a*) See sect. 10, *ante*, p. 84.

(*b*) The following are sects. 23, 24, and 25 of 36 & 37 Vict. c. 86:—

Sect. 23. All offences and penalties under the principalAct or this Act, or any bye-law under the principal Act which may be prosecuted or recovered on summary conviction may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted either of two or more justices of peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace.

Sect. 44. With respect to proceedings before a court of summary jurisdiction for offences and penalties under the principal Act, or this Act, or any bye-law under the principal Act, the following provisions shall have effect:

(1.) The description of the offence in the words of the Act or bye-law, or as near thereto as may be, shall be sufficient in law:

(2.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in the Act or bye-law, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant:

to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto.

to penalties, and punishment for fraudulently obtaining payment of fees.

And every person who shall fraudulently obtain or enable or procure any other person to obtain from any school board or local authority payment, or remission of payment, or an order for payment, or remission of payment of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding fourteen days.

(3.) In any proceeding for an offence under a bye-law, the court may instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fail so to do, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the bye-law:

(4.) Any justice may require by summons any parent or employer of a child, required by a bye-law to attend school, to produce the child before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings:

(5.) A certificate purporting to be under the hand of the principal teacher of a public elementary school, stating that a child is or is not attending such school, or stating the particulars of the attendance of a child at such school, or stating that a child has been certified by one of Her Majesty's inspectors to have reached a particular standard of education, shall be evidence of the facts stated in such certificate:

(6.) Where a child is apparently of the age alleged for the purposes of the proceeding, it shall lie on the defendant to prove that the child is not of such age:

(7.) If a child is attending an elementary school which is not a public elementary school, it shall lie on the defendant to show that the school is efficient, and the court, in considering whether any elementary school is efficient, shall have regard to the age of the child and to the standard of education corresponding to such age prescribed by the minutes of the Education Department for the time being in force with respect to the parliamentary grant:

(8.) Where a school board are, by reason of the default of the managers or proprietor of an elementary school, unable to ascertain whether a child who is resident within the district of such school board and attends such school attends school in conformity with a bye-law made by such school board, it shall lie on the defendant to show that the child has attended school in conformity with the bye-law:

(9.) Any person may appear by any member of his family or any other person authorized by him in this behalf.

Sect. 25. Every person who forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is to his knowledge false in any material particular, or, knowing any such certificate to be forged, counterfeit, or false, makes use thereof, shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts.

No prosecutions except with the authority of two members of a school board or local authority.

38. No legal proceeding for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction, by any person appointed to carry out the compulsory bye-laws of a school board or local authority, except by the direction of not less than two members of a school board or school attendance committee.

Exemption of employer on proof of guilt of some other person.

39. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

Miscellaneous.

Adaptation of 36 & 37 Vict. c. 86, s. 3, respecting pauper children to this Act.

40. Whereas by section three of the Elementary Education Act, 1873, provision is made respecting the payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act it is expedient to substitute for the said section the enactment following: be it therefore enacted as follows:

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five years who has not reach the standard in reading, writing, and arithmetic, prescribed by standard three of the code of one thousand eight hundred and seventy-six, or who, for the time being either is prohibited by this Act from being taken into full time employment, or is required by any bye-law under section seventy-four of the Elementary Education Act, 1870, as amended by this Act, to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case.

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly.

Dissolution of school board under certain circumstances.

41. Where application for the dissolution of a school board is made to the Education Department by the like persons and in the like manner as an application for the formation of a school board, under section twelve of the Elementary Education Act, 1870, nevertheless by a majority of not less than two-thirds of those who shall vote upon the occasion, and the Education Department are satisfied that no school and no site for a school is in the possession or under the control of the school board, and that there is a sufficient amount of public school accommodation for the district of the school board, and no requisition has been sent by the Education Department to such school board under section ten of the Elementary Education Act, 1870, requiring them to supply public school accommodation, it shall be the duty of the Education Department to take the circumstances of the case into consideration, and if they shall be of opinion that the maintainance of a school board is not required for the purposes of education in the district, it shall be lawful for the Education Department, after such notice as they think sufficient, to order the dissolution of the school board: Provided always, that no application shall be made for the dissolution of a school board except within six months before the expiration of the period for which the school board has been elected, and no order for the dissolution of such board shall take effect until after the expiration of such period, except that after the order is made an election of members of that board shall not be held.

The Education Department by any such order shall make provision for disposal of all money, furniture, books, documents, and property belonging to the school board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the Department necessary or proper for carrying into effect the dissolution of the board.

The Education Department shall publish the order in manner directed by the Elementary Education Act, 1873, with respect to the publication of notices, and after the date of such publication, or any later date mentioned in the order, the order shall have effect as if it were enacted by parliament, without prejudice nevertheless to the subsequent formation of a school board in the same school district; all bye-laws previously made by the school board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act: Provided, that if after the dissolution of a school board in any school district the Education Department are of opinion that

there is not a sufficient amount of public school accommodation in such school district, they may, after due notice, cause a school board to be formed for such school district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice under the Elementary Education Act, 1870.

The Education Department shall in each case where it shall assent to the dissolution of a school board lay before both Houses of Parliament a statement of its reasons for giving such assent.

Provision of offices by school board with consent of Education Department.

42. Where a school board satisfy the Education Department that, having regard to the large population of the district of such board, it is necessary or proper that the board should provide an office, the Education Department may authorize the board to provide an office, and the board shall for that purpose have the same power as they have under the Elementary Education Acts, 1870 to 1873, for the purpose of providing sufficient school accommodation for their district, including the power of borrowing money under section ten of the Elementary Education Act of 1873, and the provision of such office shall be deemed to be a work for which a school board is authorized to borrow within the meaning of the Public Works Loans Act, 1875.

Local authority to send returns.

43. The local authority under this Act (although not a school board) shall send to the Education Department such returns and information respecting their proceedings under this Act, and respecting matters on which school boards can be required under "The Elementary Education Act, 1870," to make returns, as the Education Department from time to time require (*a*).

Amendment of 33 & 34 Vict. c. 75, as to elections to fill casual vacancies in school board.

44. From and after the passing of this Act the Elementary Education Act, 1870, shall be construed as if there were substituted for the rule numbered fifteen in the first part of the Second Schedule to that Act, which is repealed by this Act, the rule in the Third Schedule to this Act; and any reference to the said Second Schedule or the first part thereof shall be construed to refer to the same with the rule so substituted, but the said

(*a*) By 33 & 34 Vict. c. 75, s. 35, "Every school board shall make such report and returns and give such information to the Education Department as the Department may from time to time require."

substitution shall not effect anything done before the passing of this Act.

Application of 33 & 34 Vict. c. 75, ss. 83, 84, to orders and documents of Education Department.

45. The provisions of the Elementary Education Act, 1870, with respect to orders and documents of the Education Department, shall apply to all orders and documents of the Education Department under this Act.

Effect of schedules.

46. The schedules to this Act shall have effect as if they were enacted in the body of this Act.

Definition of employment in case of parent.

47. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain, shall be deemed for the purposes of this Act to take such child into his employment (*a*).

General definitions.

48. A child in this Act means a child between the ages of five and fourteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in the Elementary Education Acts, 1870, and 1873.

The term "certified efficient school" in this Act means a public elementary school, and any workhouse school certified to be efficient by the Local Government Board, and any public or state-aided elementary school in Scotland, and any national school in Ireland, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school.

The term "Factory Acts" in this Act, where the Factory Act of any particular year is not referred to, means * * * any Acts for the time being in force regulating factories and workshops.

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

(*a*) See sects. 5, 6 nd 9, *ante*, pp. 82, 83.

Provision as to part of a parish.

49. A part of a parish which by or in pursuance of the Elementary Education Acts, 1870 and 1873, is constituted a separate school district shall be deemed to be a separate school district, and so far as necessary a separate parish by itself for the purposes of this Act, and the provisions of those Acts respecting such part of a parish shall apply, and for the purposes of those Acts and this Act the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers either as a separate rate or as an addition to the poor rate, and shall be deemed to be the local rate; and the guardians shall for the purposes of this Act have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish (*b*).

Construction of this Act with other enactments.

50. Where any act, neglect, or default is punishable under this Act and also under any other enactment, or any bye-law made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or bye-law, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or bye-law only be instituted in respect of the same act, neglect, or default; and any bye-law made either before or after the commencement of this Act, by any school board or other local authority under section seventy-four of the Elementary Education Act, 1870, if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the committal of children to industrial schools or the employment of children contained in any previous Act of Parliament which may be more stringent in its provisions than this Act.

Temporary modification as to application of Act, and saving for children in employment at passing of Act.

51. The provisions of this Act with respect to taking children into employment,

(1.) Shall, during twelve months after the commencement of this Act apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards; and

(*b*) See 39 & 40 Vict. c. 61, s. 4, *ante*, p. 67.

(2.) Shall not apply to any child who has attained the age of eleven years before the commencement of this Act.

A child lawfully employed at the passing of this Act may continue to be employed or may obtain fresh employment at another place in like manner as if this Act had not passed (*a*).

* * * * *

SCHEDULES.

FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTENDANCE AT SCHOOL.

For the purpose of Employment.

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(*a.*) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard.

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not:

(3.) During the four years next after the commencement of this Act the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table:

(*a*) See sects. 5, 6, 9, and 40, *ante*, pp. 82, 83, 101.

During the Year.	The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic, fixed by the following Standard of the Code of 1876, or any higher standard, namely,—	The Standard of previous due Attendance shall be	
		The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years, whether consecutive or not.
1877	Second - -	250	Two.
1878	Second - -	250	Two.
1879	Third - - -	250	Three.
1880	Third - - -	250	Four.

Provided that—

(*a.*) In the case of a school district in which for not less than three years before the commencement of this Act bye-laws have been in force requiring, as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency corresponding to the fourth standard of the Code of 1876 or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall be required for the purpose of a certificate under this Act enabling a child to be employed.

(*b.*) Where a child has been lawfully taken into employment in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the table a certificate requiring a higher standard is required for that year.

For the purpose of the Payment of Fees.

(4.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or such higher standard as may be from time to time fixed by the Education Department, and shall include any standard higher than the one fixed by this rule, or than the one for the time being fixed by the Education Department:

(5.) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this Act with a view to allow of the payment of fees by the Education Department, shall be three hundred and fifty attendances after five years of age in not more than two schools during each year for five years, or such larger number of attendances as may be for the time being fixed by the Education Department:

(6.) Provided that in each of the four years next after the commencement of this Act the standard of previous due attendance shall, in lieu of the foregoing standard, be that shown in the following table:—

During the Year.	The Standard of previous due Attendance shall be	
	The following Number of Attendances.	In not more than Two Schools during each Year for the following Number of Years.
1877	350	Two.
1878	350	Two.
1879	350	Three.
1880	350	Four.

(7.) The Education Department may from time to time by order make, and when made revoke and vary, such regulations and conditions in relation to the payment of fees under this Act by that Department as they may think expedient.

(8.) The order shall provide that not more than ten per cent. of the children presented for examination in a public elementary school shall obtain in the same year certificates entitling them to the payment of fees, and that if the children qualified to obtain such certificates exceed the said percentage, those children who have attended the greatest number of times shall have the preference.

(9.) The order may make the continuance of the payment dependent upon the fulfilment of conditions, and shall provide that the continuance of the payment shall be conditional upon the child attending the school for not less than three hundred and fifty attendances in each year, and obtaining at the end of each year a certificate of proficiency in reading, writing, and elementary arithmetic according to a standard higher than the standard according to which it obtained the previous certificate.

(10.) The order shall further provide that the school, by previous due attendance at which the child was qualified for obtaining the payment of fees, and the school, the fees at which are paid by the Education Department, shall be a school, or department of a school, at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence a week.

Miscellaneous.

(11.) Attendance for the purpose of this schedule means an attendance as defined by the Code of 1876, and where the attendance is at a certified day industrial school includes such attendance as may be from time to time directed for the purpose by a Secretary of State, and where the attendance is at a workhouse school includes such attendance as may be from time to time directed for the purpose by the Local Government Board.

(12.) The Code of 1876 in this schedule means the Code of the Minutes of the Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to public elementary schools in England, and in the case of a school in Scotland means the Code of the Minutes of the Scotch Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to elementary schools.

SECOND SCHEDULE.

RULES AS TO A LOCAL COMMITTEE.

(1.) Subject to the provisions of this Act, the school attendance committee may from time to time add to or diminish the number of members, or change the members of any local committee appointed by them, or may dissolve any such committee.

(2.) A local committee shall, unless the school attendance committee appointing them otherwise direct, continue in office until the first meeting of that committee after the next annual appointment thereof, and thereafter until a new local committee is appointed.

RULES AS TO SCHOOL ATTENDANCE COMMITTEE AND LOCAL COMMITTEE.

(3.) Subject to any regulations made in the case of a school attendance committee by the council or guardians appointing it, and in the case of a local committee by the school attendance committee appointing it, the provisions of the Third Schedule of "The Elementary Education Act, 1870," with reference to proceedings of managers appointed by a school board, shall apply to the proceedings of a school attendance committee and a local committee under this Act, as if the body appointing the committee were a school board.

(4.) Any casual vacancy in a school attendance committee or local committee may be filled up by the body who appointed such committee.

(5.) A school attendance committee shall continue in office until the first meeting of the council or guardians appointing it after the next annual election of councillors and guardians, and thereafter until the new committee is appointed.

(6.) A committee appointed by guardians shall be appointed at the first meeting after the annual election of guardians, or some other meeting fixed with the approval of the Local Government Board for the purpose.

THIRD SCHEDULE.

RULE AS TO ELECTION OF SCHOOL BOARD.

If any casual vacancy in the office of a member of a school board occurs by death, resignation, disqualification, or otherwise, such vacancy may be filled by the remaining members of the school board, if a quorum, at a special meeting of the board called for the purpose.

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40 VICT. CHAP. 11.

AN ACT to make provision with respect to Judicial proceedings in certain cases relating to Rating. [17 May, 1877.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):—

Judges may act in certain cases relating to rates.

1. No judge shall be incapable of acting in his judicial office in any proceeding, whether commenced before or after the passing of this Act, by reason of his being, as one of several ratepayers, or as one of any other class of persons, liable, in common with the others, to contribute to or to be benefited by any rate which may be increased, diminished, or in any way affected by such proceeding.

Certain acts done before the passing of this Act not to be invalidated.

2. No act, matter, or thing which before the passing of this Act has been done, made, or executed by any judge prior to the passing of this Act, shall hereafter be quashed, or declared void because the same has been so made, done, or executed by any judge who may have been, as one of several ratepayers, or as one of any other class of persons, liable, in common with the others, to contribute to or to be benefited by any rate which may have been increased, diminished, or in any way affected by such act, matter, or thing.

Interpretation.

3. In this Act, if not inconsistent with the context, the following words and expressions have the meanings hereinafter respectively assigned to them; that is to say,—

"Judge" means—

As to England, any Judge of Her Majesty's High Court of Justice, or Her Majesty's Court of Appeal, or of any of the Superior Courts of Law or Equity in England, as they existed before the constitution of Her Majesty's High Court of Justice; and

* * * * * * *

As to the United Kingdom, any Lord of Appeal, or Peer of Parliament, when sitting and voting in the House of

Lords, upon the hearing of any matter brought before that House by way of error, or appeal from any other Court.

"Rate" means any rate, tax, duty, or assessment, whether public, general, or local, and also any fund formed from the proceeds of any such rate, tax, duty, or assessment, or applicable to the same, or like purposes to which any such rate, tax, duty, or assessment might be applied.

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41 VICT. CHAP. 3.

AN ACT to relieve certain Occupiers of Dwelling-houses from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their underletting such Dwelling-houses for short terms.

[25th February, 1878.]

WHEREAS questions have arisen upon the occupation required by the third section of the Representation of the People Act, 1867: 30 & 31 Vict. c. 102.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act shall be cited for all purposes as the Occupiers Disqualification Removal Act, 1878. Short title.

2. From and after the passing of this Act every man shall be entitled to be registered and to vote under the provisions of the said section notwithstanding that during a part of the qualifying period not exceeding four months in the whole he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person. Letting as furnished house for certain periods not to disqualify.

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41 VICT. CHAP. 18.

AN ACT to grant Money for the purpose of Loans by the Public Works Loan Commissioners and by the Commissioners of Public Works in Ireland, and to authorize the former Commissioners to compound and cancel certain loans and interest, and to amend the Public Works Loans Act, 1875.

[27th May, 1878.]

38 & 39 Vict. c. 89.

WHEREAS by the Public Works Loans Act, 1875, and other Acts, the Public Works Loan Commissioners are authorized to make loans for the purposes therein mentioned, and it is expedient to grant the money hereinafter mentioned for the purpose of such loans:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Public Works Loans Act, 1878.

PART I.

PUBLIC WORKS LOAN COMMISSIONERS.

* * * * *

Amendment of 38 & 39 Vict. c. 89, s. 36, as to examination into proper application of loan advanced on rates.

4. Whereas by section thirty-six of the Public Works Loans Act, 1875 (*a*), the Local Government Board are required to satisfy themselves that any loan advanced by the Public Works Loan Commissioners on the security of a rate is applied to the purpose for which it is advanced, and are authorized to appoint any officer to conduct on their behalf such examination as they may think necessary with a view to ascertaining that the loan has been so applied, and it is expedient to make further provision with respect to the powers of the Local Government Board for the purposes of the said section: Be it therefore enacted as follows:—

38 & 39 Vict. c. 89.

Where upon any examination made in pursuance of section thirty-six of the Public Works Loans Act, 1875, with reference

(*a*) See *ante*, p. 54.

to a loan advanced by the Public Works Loan Commissioners for any purpose on the security of a rate, it appears to the Local Government Board that any sum, being the whole or part of the money raised by the loan, has not been applied for the said purpose, the Local Government Board may order that sum to be, within the time named in the order, applied either for the said purpose or towards the repayment to the Public Works Loan Commissioners of the principal of the loan, or partly in one of such ways and partly in the other, and further, if it appears to them that the sum, or any part thereof, has been applied for some purpose other than that for which it was advanced, may by the same or any other order direct a sum equal to the amount so misapplied to be raised within the time and out of the fund or rate named in the order and to be applied as directed by the above-mentioned order.

An order made by the Local Government Board in pursuance of this section may be enforced by writ of mandamus.

* * * * *

Repeal of obligation of the Public Works Loan Commissioners to take securities under 38 & 39 Vict. c. 83.

6. So much of any Act as requires the Public Works Loan Commissioners to take in respect of any loan advanced by them under that Act in preference to any other securities, all or such one or more of the securities issuable under the Local Loans Act, 1875, as they may prefer, is hereby repealed, and the security for any such loan may be given and taken under and pursuant to the Public Works Loans Act, 1875.

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38 & 39 Vict. c. 89.

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41 & 42 VICT. CHAP. 26.

AN Act to amend the Law relating to the Registration of Voters in Parliamentary Boroughs and the Enrolment of Burgesses in Muncipal Boroughs, and relating to certain rights of voting and proceedings before and appeals from Revising Barristers.

[22nd July, 1878.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short Titles.

1. This Act may be cited as the Parliamentary and Municipal Registration Act, 1878.

The Acts referred to in this Act by short titles may be cited for all purposes by those titles respectively.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Commencement of Act.

3. This Act shall come into operation on the first day of February, one thousand eight hundred and seventy-nine, which date is in this Act referred to as the commencement of this Act.

Definitions.

4. In this Act—

The term "Reform Act, 1832," means the Act of the Session of the second and third years of the reign of King William the Fourth, chapter forty-five, "to amend the representation of the people in England and Wales:"

5 & 6 Will. 4, c. 76.

The term "Municipal Corporation Acts" means the Municipal Corporation Act, 1835," and the Acts amending the same:

40 & 41 Vict. c. 69.

The term "Parliamentary Registration Act, 1843," means the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter eighteen, "to amend the law for the registration of persons entitled to vote, and to define certain rights of voting and to regulate certain proceedings in the election of members to serve in Parliament for England and Wales:"

The term "Parliamentary Registration Acts" means the Parliamentary Registration Act, 1843, and any enactment amending the same or otherwise relating to the registration of parliamentary electors:

The term "parliamentary borough" means any borough, city, county of a city, county of a town, place, or combination of places returning a member or members to serve in Parliament, and not being a county at large, or riding, part, or division of a county at large:

The term "municipal borough" means any place for the time being subject to the Municipal Corporation Acts:

The term "parliamentary voter" means a person entitled to be registered as a voter, and when registered to vote at the election of a member or members to serve in Parliament for a parliamentary borough:

The term "burgess" has the same meaning as in the Municipal Corporation Acts:

The term "parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

Other terms used in this Act have the same meaning as in the Parliamentary Registration Acts.

Explanation of terms. "House," &c. 2 & 3 Will. 4, c. 45, s. 27.

5. In and for the purposes of the Reform Act, 1832, and the Municipal Corporation Acts the term "house, warehouse, counting-house, shop, or other building," shall include any part of a house where that part is separately occupied for the purpose of any trade, business, or profession; and any such part may for the purpose of describing the qualification be described as "office," "chambers," "studio," or any like term applicable to the case.

30 & 31 Vict. c. 102. "Dwelling-house." "Lodgings."

In and for the purposes of the Representation of the People Act, 1867, the term "dwelling-house" (*a*) shall include any part of a house where that part is separately occupied as a dwelling, and the term "lodgings" (*b*) shall include any apartments or place of residence, whether furnished or unfurnished, in a dwelling-house.

Separate occupation of part notwithstanding joint occupation of other part.

For the purposes of any of the Acts referred to in this section, where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

30 & 31 Vict. c. 102, s. 61.

The interpretation contained in this section of "dwelling-house" shall be in substitution for the interpretation thereof contained in section sixty-one of the Representation of the People Act, 1867, but not so as to affect any of the other provisions of the said Act relating to rating.

Additional lodgings.

6.—(1.) Lodgings occupied by a person in any year or two successive years shall not be deemed to be different lodgings by reason only that in that year or in either of those years he has occupied some other rooms or place in addition to his original lodgings.

Successive lodgings in the same house.

(2.) For the purpose of qualifying a lodger to vote, the occupation in immediate succession of different lodgings of the

(*a*) See sect. 3, vol. 2, p. 1298.
(*b*) See sect. 4, vol. 2, p. 1299.

requisite value in the same house shall have the same effect as continued occupation of the same lodgings.

Joint occupation of lodgings.

(3.) Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which when divided by the number of the lodgers gives a sum of not less than ten pounds for each lodger, then each lodger, if otherwise qualified and subject to the conditions of the Representation of the People Act, 1867 (*a*), shall be entitled to be registered, and when registered to vote as a lodger, provided that not more than two persons being such joint lodgers shall be entitled to be registered in respect of such lodgings.

30 & 31 Vict. c. 102.

Period of qualification.

7. In every parliamentary borough and in every municipal borough every period of qualification for parliamentary voters and burgesses respectively which is now computed by reference to the last day of July (*b*), shall, instead of being so computed, be computed by reference to the fifteenth day of July.

The term "period of qualification" in this section shall include any period of occupation, residence, possession, receipt of rents and profits, and non-receipt of parochial relief or other alms.

Forms relating to registration in parliamentary boroughs and burgess lists in certain municipal boroughs.

8. In every parliamentary borough and in every municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, the forms in the schedule to this Act, or forms to the like effect, varied as circumstances require, shall be used for the purposes for which the same are applicable respectively, and shall for the purposes of the Parliamentary Registration Acts and this Act be deemed to be substituted for any corresponding forms in the schedules to the Parliamentary Registration Acts.

The said schedule and the notes thereto shall be construed and have effect as if enacted in the body of this Act.

All precepts, instructions, proceedings, notices, and lists relating to the registration of parliamentary voters or enrolment of burgesses shall be expressed in such manner and form as may be necessary to carry the provisions of this Act into effect.

Publication of notices and lists in post

9. In every parliamentary borough and in every municipal borough the whole or part of the area whereof is co-extensive

(*a*) See 30 & 31 Vict. c. 102, s. 4, vol. 2, p. 1299.
(*b*) See 30 & 31 Vict. c. 102, ss. 3, 4, 6, vol. 2, pp. 1298-1300, and 31 & 32 Vict. c. 58, s. 28.

with or included in the area of a parliamentary borough, any notice or list which is by the Parliamentary Registration Acts or this Act directed to be published by overseers shall be published by them not only in the manner directed by those Acts, but also by being affixed and kept in some public and conspicuous position in or near every post office and telegraph office occupied by or on behalf of Her Majesty's Postmaster General, and in or near every public or municipal or parochial office within the parish to which the list relates. and telegraph offices, &c.

All the provisions of those Acts with respect to the publication of notices or lists shall apply to the publication to be made under this section.

10. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, section eleven of the Parliamentary Registration Act, 1843, and section twenty-eight of the Representation of the People Act, 1867 (which relate to the notices to be published and given with respect to rates and taxes in arrear), shall, as amended by this Act, extend with the necessary modifications to the rates of which the payment is required as a condition of enrolment on the burgess roll, and all the provisions of those sections as so amended shall apply to the overseers of parishes situate wholly or partly in a municipal borough accordingly. Notice of rates in arrear. 6 & 7 Vict. c. 18, s. 11. 30 & 31 Vict. c. 102, s. 28.

Any notice required to be given under this section shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable.

In case no such person can be found, then the notice required to be given under this section or under section twenty-eight of the Representation of the People Act, 1867, shall be deemed to be duly given if affixed upon some conspicuous part of the premises. 30 & 31 Vict. c. 102 s. 28.

Any overseer who with intent to keep an occupier off the list or register of voters for a parliamentary borough, or off the burgess lists or burgess roll of a municipal borough, shall wilfully withhold any notice required by this section to be given to such occupier, shall be deemed guilty of a breach of duty in the execution of this Act (*c*).

(*c*) See 6 Vict. c. 18, s. 51, vol. 2, p. 747 and s. 29, *post*, p. 132.

30 & 31 Vict. c. 102, s. 29.

Section twenty-nine of the Representation of the People Act, 1867, shall extend and be applicable to every parish situate wholly or partly within a municipal borough whose burgess lists are revised under this Act.

Registrars to furnish returns of deaths to overseers.

11. Every registrar of births and deaths whose sub-district includes the whole or part of any parliamentary borough or any municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, shall transmit by post or otherwise to the overseers of every parish the whole or any part of which is included in the parliamentary borough or municipal borough and also in his sub-district, a return certified under his hand to be a true return of the names, ages and residences of all male persons of full age dying within that parish or part, and also when and as required by those overseers of the names, ages, and residences of all women of full age dying within that parish or part.

The returns shall state the names of all such persons in full (where the names are known) and the dates of their deaths, and the names and residences of the persons by whom information of the deaths was given to the registrar.

The returns shall be made four times a year; that is to say,

On or before the seventh day of April for the three months ending with the preceding thirty-first day of March;

On or before the twenty-second day of July for the period beginning with the preceding first day of April and ending with the fifteenth day of July;

On or before the fifteenth day of September, or at such other time before the completion of the revision of the lists of the parliamentary borough or municipal borough to the area of which the return relates as the barrister revising the same shall appoint in that behalf for the period beginning with the preceding sixteenth day of July, and ending with the time when such return is made, or as near thereto as practicable;

And on or before the seventh day of January for the period beginning with the preceding fifteenth day of September or from the time for which the last preceding return was made, and ending with the thirty-first day of December:

The registrar making any such return shall be entitled to fees at the rate specified in the twenty-eighth section of the Births and Deaths Registration Act, 1874, in respect of the returns therein mentioned, and such fees shall be paid by the overseers as part of the expenses of carrying into effect the provisions of this Act with respect to the lists of parliamentary voters and burgess lists. 37 & 38 Vict. c. 88, s. 28.

The overseers shall omit from any list made by them the name of any person who appears from such returns to be dead, and shall allow any person who is registered as a parliamentary voter of the parliamentary borough or enrolled as a burgess of the municipal borough to which the returns relate to inspect any such returns in their custody at all reasonable times free of charge.

List of persons disqualified by parochial relief.

12. The overseers of every parish situate wholly or partly either in a parliamentary borough or in a municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, shall ascertain from the relieving officer acting for that parish the names of all persons who are disqualified for being inserted in the lists of parliamentary voters or burgess lists for that parish by reason of having received parochial relief, and the relieving officer, upon application from the overseers, shall produce to them at such place within the parish, and at such time as is required by them, the books in his possession containing the names of those persons (*a*).

Inspection of rate books.

13. In every parish situate wholly or partly either in a parliamentary borough or in a municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, the books containing the poor rates made for the parish within the previous two years shall at all reasonable times be open, free of charge, to the inspection of any person who is registered as a parliamentary voter for the parliamentary borough, or enrolled as a burgess of the municipal borough, and any such voter or burgess may make any copy thereof or take any extract therefrom (*b*).

Explanation of 32 & 33 Vict. c. 41, s. 19, as to entering

14. Whereas by section nineteen of the Poor Rate Assessment and Collection Act, 1869, the overseers in making out the poor rate are required in every case, whether the rate is collected from

(*a*) See 31 & 32 Vict. c. 58, s. 29, vol. 2, p. 1321.
(*b*) See *Ib.* s. 28, vol. 2, p. 1321.

occupier's name in rate book.

the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, to enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, and it is thereby declared that every such occupier shall be deemed to be duly rated for any qualification or franchise as therein mentioned ; and whereas doubts have been entertained as to the application of this enactment, and it is expedient to remove them : Be it therefore enacted that the recited enactment shall not be deemed to apply exclusively to cases where an agreement has been made under section three of the same Act, or when an order has been made under section four of the same Act, but shall be of general application.

Preparation of lists of parliamentary voters and burgess lists together in certain cases.

15. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the lists of parliamentary voters and the burgess lists shall so far as practicable be made out and revised together.

In every such case the overseers of every parish situate wholly or partly either in the parliamentary borough or in the municipal borough shall, on or before the last day of July in every year make out a list of all persons entitled under any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to be registered as voters for the parliamentary borough in respect of the occupation of property situate wholly or partly within that parish, or entitled to be enrolled as burgesses of the municipal borough in respect of the occupation of any property so situate.

2 & 3 Will. 4, c. 45.
30 & 31 Vict. c. 102, s. 3.

With respect to every list so made out the following provisions shall have effect :

(1.) The lists shall be in substitution for the lists of persons so entitled, which are required to be made out under the Parliamentary Registration Acts and the Municipal Corporation Acts :

(2.) Where the parish is situate wholly or partly both in the parliamentary borough and in the municipal borough, the list for the parish shall be made out in three divisions :

Division one shall comprise the names of the persons entitled both to be registered as parliamentary voters under a right conferred as aforesaid and to be enrolled as burgesses ;

Division Two shall comprise the names of the per-

sons entitled to be registered as parliamentary voters under a right conferred as aforesaid, but not to be enrolled as burgesses:

Division Three shall comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as parliamentary voters under a right conferred as aforesaid:

(3.) Each list shall state the surname and other name or names of every person whose name is inserted therein, his place of abode, the nature of his qualification, and the situation and description of the property in respect of which he is entitled:

(4.) Each list shall be signed and otherwise dealt with in manner directed by the Parliamentary Registration Acts with respect to the alphabetical lists mentioned in section thirteen of the Parliamentary Registration Act, 1843: 6 & 7 Vict. c. 18, s. 13.

(5.) Where no part of the parish is situate within the municipal borough, the list for the parish shall be deemed to be a list of voters for the parliamentary borough:

(6.) Where no part of the parish is situate within the parliamentary borough, the list for the parish shall be deemed to be a burgess list for the municipal borough:

(7.) Where the list is made out in divisions, Divisions One and Two shall be deemed to be lists of voters for the parliamentary borough, and Divisions One and Three shall be deemed to be burgess lists for the municipal borough:

(8.) The lists, and if the lists are made out in divisions, each division thereof, shall, if and so far as the local authority from time to time direct, according to convenience for use, be framed in parts for polling districts or wards; and where the polling districts and wards are not conterminous, in such manner that the parts may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists.

Freemen's and other rights. 2 & 3 Will. 4, c. 45. 30 & 31 Vict. c. 102, s. 3.

16. In the case of any parliamentary borough in which any persons are entitled to be registered as freemen, or under any right other than a right conferred by the Reform Act, 1832, or the third section of the Representation of the People Act, 1867, the registration of such persons shall be carried out in the

manner directed by the Parliamentary Registration Acts, as modified by this Act.

Provision where several municipal boroughs included in one parliamentary borough.

17. In the case of a parliamentary borough which includes in whole or in part more municipal boroughs than one, each such municipal borough shall, for the purposes of this Act, be dealt with separately and as if each were the only municipal borough included in whole or in part in such parliamentary borough, and if any parish is partly in one and partly in another or others of such municipal boroughs, so much thereof as is in any one of such municipal boroughs shall, for the purposes of this Act, be dealt with as a separate parish.

The town clerk of each such municipal borough shall, so far as regards the area of such municipal borough, issue the precepts and perform the other duties to be performed by the town clerk under and shall be the town clerk for the purposes of the Parliamentary Registration Acts and this Act.

Application of Parliamentary Registration Acts to burgess lists made out under this Act.

18. The Municipal Corporation Acts shall not, as to anything prior to the completion of the revision of the burgess lists, apply to any burgess list made out under this Act, and instead thereof the Parliamentary Registration Acts, as modified by this Act, shall, up to the completion of the revision of the burgess lists, apply to every such burgess list, as if it were a list of parliamentary voters made out under those Acts, and as if the municipal borough to which such burgess lists relate were a parliamentary borough: Provided as follows:

(1.) Nothing in this Act shall authorize a person entered on a burgess list, not being also entered on a list of parliamentary voters, to make any objection in respect of a list of parliamentary voters, or authorize any person entered on a list of parliamentary voters, not being also entered on a burgess list, to make any objection in respect of a burgess list;

(2.) The last day for revising a burgess list made out under this Act shall be the twelfth day of October; and

(3.) The burgess lists when revised shall be copied for the burgess roll in manner directed by the Municipal Corporation Acts.

Lists of persons qualified to

19. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parlia-

mentary borough, the separate lists of the persons entitled to be elected councillors or aldermen of the municipal borough, though not entitled to be on the burgess roll, shall be made out at the same time and in the same manner as the burgess lists, and all the provisions of this Act with respect to the burgess lists shall apply to those separate lists.

be aldermen or councillors, but not to be burgesses.

20. After the commencement of this Act assessors shall not be elected in any municipal borough which as regards the whole or part of its area is co-extensive with or included in the area of a parliamentary borough, and any assessors elected in any such municipal borough before the commencement of this Act shall cease to hold office upon the commencement of this Act.

Abolition of assessors in certain municipal boroughs.

21. If and so far as the local authority so direct, the lists of parliamentary voters and registers of parliamentary voters in parliamentary boroughs, and the burgess lists and burgess rolls in municipal boroughs, and the lists of claimants and persons objected to in parliamentary boroughs and municipal boroughs respectively, or any of those documents, shall, so far as they relate to persons qualified in respect of the ownership or occupation of property (including persons qualified in respect of lodgings), be arranged in the same order in which the qualifying premises appear in the rate book for the parish in which those premises are situate, or as nearly thereto as will cause those lists, registers, and rolls to record the qualifying premises in successive order in the street or other place in which they are situate, subject in the case of a municipal borough divided into wards to the division of the burgess roll into ward lists. The local authority in this Act means as regards a parliamentary borough the authority having power to divide the parliamentary borough into polling districts, and as regards a municipal borough the council of the municipal borough.

Lists and registers may be arranged according to streets.

22. Where a person is entered in respect of lodgings on the register of voters for the time being in force, and desires to be entered on the next register in respect of the same lodgings, he may claim to be so entered by sending notice of his claim to the overseers of the parish in which his lodgings are situate on or before the twenty-fifth day of July.

Claim by lodger retaining same lodgings in successive years.

The overseers shall on or before the last day of July make out a list of all persons so claiming, and if they have reasonable cause to believe that any person whose name is entered on the list is not entitled to be registered or is dead, shall add in the

margin of the list opposite his name the words "objected to" or "dead" as the case may be.

The lists so made out shall be signed, published, and otherwise dealt with in the same manner as the alphabetical lists mentioned in section thirteen of the Parliamentary Registration Act, 1843, and shall for the purposes of the Parliamentary Registration Acts be deemed to be lists of voters, and the provisions of the Parliamentary Registration Acts as to objections shall apply to such lists, and the persons against whose names the overseers have so written the words "objected to" or "dead" shall be deemed to be duly objected to.

5 & 7 Vict. c. 18.

Declaration of lodger to be *prima facie* evidence.

23. In the case of a person claiming to vote as a lodger, the declaration annexed to his notice of claim shall for the purposes of revision, be *prima facie* evidence of his qualification.

Declaration as to misdescription.

24. Any person who is entered on any list of voters for a parliamentary borough or any burgess list, subject to revision under this Act, for a municipal borough, and whose name or place of abode or the nature of whose qualification or the name or situation of whose qualifying property is not correctly stated in such list, or in respect of whom there is any other error or omission in the said list, may, whether he has received a notice of objection or not, if he thinks fit, make and subscribe a declaration in the form in that behalf in the schedule to this Act, or as near thereto as the circumstances will admit, before any justice of the peace or any commissioner or other person authorized to administer oaths in the Supreme Court of Judicature.

The declaration shall be duly dated and shall on or before the twelfth day of September be sent to the town clerk, who forthwith shall indorse on the declaration a memorandum signed or initialed by him, stating the date when he received it, and naming the declarant, and the list to which the declaration refers, and shall deliver all such declarations to the revising barrister at his first court.

If the declaration is sent as aforesaid in due time (of which the said indorsement shall be *prima facie* proof), the revising barrister shall receive the declaration as evidence of the facts declared to, and that without proof of the signature of the declarant, or of the justice, commissioner, or person before whom the declaration purports to have been subscribed, unless he has good reason to doubt the genuineness of any signature thereto.

The declarations shall be open free of charge to public inspection at the office of the said town clerk, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, before the fifteenth day of September, and he shall deliver copies thereof on application and payment of the price of fourpence per folio of seventy-two words.

Penalty for false declaration.

25. If any person falsely or fraudulently signs any such declaration as last aforesaid, or any declaration either as claimant or witness in respect of a claim to vote as a lodger in the name of any other person, whether that person is living or dead, or in a fictitious name, or sends as genuine any false or falsified declaration knowing the same to be false or falsified, or knowingly and wilfully makes any false statement of fact in any declaration of the nature aforesaid, he shall be guilty of a misdemeanour and punishable by fine or by imprisonment for a term not exceeding one year, and the revising barrister shall have power to impound the declaration.

Notice of objection to state specific grounds of objection, &c. 6 & 7 Vict. c. 18, ss. 17, 20. 28 & 29 Vict. c. 36, ss. 7, 8.

26. The notice required by the seventeenth and twentieth sections of the Parliamentary Registration Act, 1843, to be given to persons objected to in boroughs for the purpose of the revision of the lists of voters for a parliamentary borough and the burgess lists for a municipal borough whose burgess lists are revised under this Act, shall state specifically the ground or grounds of objection, and sections seven and eight of the County Voters Registration Act, 1865, shall extend to such objections.

Revision of lists of voters.

27. For the purposes of the revision of the lists of voters for a parliamentary borough, and the burgess lists for a municipal borough whose burgess lists are revised under this Act :—

Objections may be withdrawn.

(1.) An objection may be withdrawn by a notice to that effect in writing, signed by the objector, and given to the person objected to and to the town clerk not less than seven days before the day which shall be appointed for the holding of the first court of revision of the lists to which the objection relates ;

Reviver of objections on death of objector.

(2.) Any objection by a qualified objector may, after his death, be revived by any other person qualified to have made the objection originally by a notice to that effect in writing signed by him, and given to the person objected

to and to the town clerk at or before the time of revision of the entry to which the objection relates;

A person reviving an objection shall be deemed to have made the objection originally, and he shall be responsible in respect thereof, and the proceedings thereon shall be continued accordingly;

Costs of objections.

(3.) Where objection is made otherwise than by an overseer to any person whose name appears on a list of voters or burgesses and the name is retained on the list, the revising barrister shall, unless he is of opinion that the objection was reasonably made either because of a defect or error in the entry to which the objection relates, or because of a difficulty in verifying or identifying the particulars comprised in such entry, or unless the objection is duly withdrawn, or unless for some other special reason he otherwise determines, order costs not exceeding forty shillings to be paid by the objector to the person objected to.

Duties and powers of revising barrister.

28. A revising barrister shall, with respect to the list of voters for a parliamentary borough and the burgess lists for a municipal borough which he is appointed to revise, perform the duties and have the powers following:

(1.) He shall correct any mistake which is proved to him to have been made in any list:

(2.) He may correct any mistake which is proved to him to have been made in any claim or notice of objection:

(3.) He shall expunge the name of every person, whether objected to or not, whose qualification as stated in any list is insufficient in law to entitle such person to be included therein:

(4.) He shall expunge the name of every person who, whether objected to or not, is proved to the revising barrister to be dead:

(5.) Where an entry in any list and an entry in a return made to the overseers of deaths appear to relate to the same person, the revising barrister shall inquire whether such entries relate to the same person, and on proof being made to him that the entries relate to the same person shall expunge the entry in the list therefrom:

(6.) The revising barrister shall expunge the name of every person, whether objected to or not, whose name or place of abode, or the nature of whose qualification, or the name or situation of whose qualifying property if the qualification is in respect of property, or any other particulars respecting whom by law required to be stated in the list, is or are either wholly omitted or in the judgment of the revising barrister insufficiently described for the purpose of being identified, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of the revising barrister before he shall have completed the revision of the list in which the omission or insufficient description occurs, and in case such matter or matters shall be so supplied, he shall then and there insert the same in such list:

(7.) He shall expunge the name of every person, whether objected to or not, where it is proved to the revising barrister that such person was, on the last day of July then next preceding, incapacitated by any law or statute from voting at an election for the parliamentary borough or an election for the municipal borough, as the case may be, to which the list relates:

(8.) Before expunging from a list the name of any person not objected to, the revising barrister shall cause such notice, if any, as shall appear to him necessary or proper under the circumstances of the proposal to expunge the name, to be given to or left at the usual or last known place of abode of such person:

(9.) Subject as herein and otherwise by law provided, the revising barrister shall retain the name of every person not objected to, and also of every person objected to, unless the objector appears by himself or by some person on his behalf in support of his objection:

(10.) If the objector so appears the revising barrister shall require him, unless he is an overseer, to prove that he gave the notice or notices of objection required by law to be given by him, and to give *primâ facie* proof of the ground of objection, and for that purpose may himself examine and allow the objector to examine the overseers or any other person on oath touching the alleged ground of objection, and unless such proof is

given to his satisfaction shall, subject as herein and otherwise by law provided, retain the name of the person objected to:

An objection made under this Act by overseers shall be deemed to cast upon the person objected to the burden of proving his right to be on the list:

The *primâ facie* proof shall be deemed to be given by the objector if it is shown to the satisfaction of the revising barrister by evidence, repute, or otherwise that there is reasonable ground for believing that the objection is well founded, and that by reason of the person objected to not being present for examination, or for some other reason, the objector is prevented from discovering or proving the truth respecting the entry objected to:

(11.) If such proof is given by the objector as herein prescribed, or if the objection is by overseers, then unless the person objected to appears by himself or by some person on his behalf, and proves that he was entitled on the last day of July then next preceding to have his name inserted in the list in respect of the qualification described in such list, the revising barrister shall expunge the name of the person objected to:

(12.) Where the matter stated in a list or claim, or proved to the revising barrister in relation to any alleged right to be on any list, is in the judgment of the revising barrister insufficient in law to constitute a qualification of the nature or description stated or claimed, but sufficient in law to constitute a qualification of some other nature or description, the revising barrister, if the name is entered in a list for which such true qualification in law is appropriate, shall correct such entry by inserting such qualification accordingly, and in any other case shall insert the name with such qualification in the appropriate list, and shall expunge it from the other list, if any, in which it is entered:

(13.) Except as herein provided, and whether any person is objected to or not, no evidence shall be given of any other qualification than that which is described in the list or claim, as the case may be, nor shall the revising barrister be at liberty to change the description of the qualification as it appears in the list except for the

purpose of more clearly and accurately defining the same :

(14.) Where the name of any person appears to be entered more than once as a parliamentary voter on the list of voters for the same parliamentary borough, or more than once as a burgess on the burgess lists for the same municipal borough, the revising barrister shall inquire whether such entries relate to the same person, and on proof being made to him that such entries relate to the same person shall retain one of the entries for voting, and place against the other or others a note to the effect that the person is not entitled to vote in respect of the qualification therein contained for the parliamentary borough or for the municipal borough, as the case may be, he being on the list for voting in respect of another qualification :

Any such person may, by notice in writing delivered to the revising barrister at the opening of his first revision court, select the entry to be retained for voting, and in making such selection may select one entry to be retained for voting for the parliamentary borough, and another entry to be retained for voting as a burgess for the municipal borough, but if he does not make any selection the entry to be so retained shall be selected by the revising barrister, except in the case of freemen, in which case the entry to be retained by the revising barrister for voting shall be that on the freemen's list :

If any question on appeal, or otherwise, arise as to the validity of the qualification for which the parliamentary voter or burgess is on the list for voting, recourse may be had for supporting the right of the voter or burgess to be on the parliamentary register or burgess roll for voting to any other qualification of such person appearing on the register or burgess roll :

Provided always, that in the case of a municipal borough divided into wards a vote given in or the right to vote in one ward shall not be supported by a qualification appearing on the burgess roll for some other ward :

(15.) Where a list is made out in divisions the revising barrister shall place the name of any person in the division in which it should appear according to the result of the revision, regard being had to the title of

the person to be on the list both as a parliamentary voter and as a burgess, or only in one of those capacities, and shall expunge the name from the other division (if any) in which it appears.

This section shall, as regards every parliamentary borough and every municipal borough whose burgess lists are revised under this Act, take effect instead of section forty of the Parliamentary Registration Act, 1843.

6 & 7 Vict. c. 18, s. 40.

Power to fine overseers for neglect of duty.

29. The provisions of the fifty-first section of the Parliamentary Registration Act, 1843, relating to the power of the revising barrister to fine overseers for neglect of duty, shall extend to every wilful refusal, neglect, or breach of duty on the part of overseers in the execution of this Act.

6 & 7 Vict. c. 13, s. 51.

Expenses and receipts.

30. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the expenses properly incurred by the town clerk (including in his expenses the matters mentioned in section thirty-one of the Representation of the People Act, 1867), and the expenses properly incurred by the overseers in carrying into effect the provisions of this Act with respect to the lists of parliamentary voters and burgess lists, and all moneys received in respect of any of those lists, or in respect of any fine imposed by the revising barrister on the revision of the lists, shall be respectively paid and applied as follows:

30 & 31 Vict. c. 102, s. 31.

(1.) If the area of the parliamentary borough and the area of the municipal borough are co-extensive, one half of the expenses shall be defrayed in the manner provided by the Parliamentary Registration Acts as expenses incurred thereunder, and the other half shall be defrayed out of the borough fund, and one half of the moneys received as aforesaid shal be applied in the manner directed in those Acts, and the other half shall be paid to the borough fund:

(2.) In all other cases the expenses and receipts in respect of the area common to the parliamentary borough and to a municipal borough shall, as to one half thereof, be defrayed and applied as expenses and receipts under the Parliamentary Registration Acts, and shall as to the other half thereof be defrayed out of and paid to the borough fund of such municipal borough:

And the expenses and receipts in respect of an area exclusively parliamentary shall be defrayed and applied as expenses and receipts under the Parliamentary Registration Acts:

And the expenses and receipts of an area exclusively municipal shall be defrayed out of and paid to the borough fund of the municipal borough comprising such area:

Any expenses and receipts incurred or arising in respect of more than one such area shall be apportioned between the several areas in respect of which they are incurred or arise, in the proportion as nearly as may be in which the same are incurred and arise in respect of the several areas, regard being had to the number of parliamentary voters or burgesses in each area, or any other circumstances occasioning the expenses or giving rise to the receipts:

The revising barrister shall, as part of the business of the revision, determine, if necessary, in respect of what area or areas any expenses or receipts are incurred or arise, and how much thereof is attributable to each area.

The remuneration of the revising barrister shall be paid as heretofore under the Parliamentary Registration Acts: Provided always, that in the case of a municipal borough whose burgess lists are revised under this Act, there shall be paid out of the borough fund to the revising barrister, by way of additional remuneration in respect of his additional work on account of the municipal revision for such municipal borough, a remuneration at the rate mentioned in the third section of the Municipal Corporation Act, 1859. 22 Vict. c. 35, s. 3.

Delivery and custody of revised lists.

31. The lists, if made out in divisions under this Act, shall when revised be delivered to the town clerk to whom in respect of the area to which the lists relate revised parliamentary lists ought to be delivered.

The revising barrister shall, as part of the business of the revision, at the request of the town clerk of any municipal borough the whole or part of the area of which is co-extensive with or included in the area of a parliamentary borough, sign and deliver to him a duplicate of the whole or part of any revised list made out in divisions and relating to that municipal borough.

Every such duplicate shall be prepared by the town clerk at whose request it is so signed, and shall be kept by him for use for municipal purposes.

Commencement and duration of parliamentary register.

32. The register made up from revised lists under the Parliamentary Registration Acts and this Act of voters for any parliamentary borough shall come into operation on the first day of January next after the revision, and shall continue in operation for the year commencing with such first day of January.

Commencement and duration of burgess roll.

33. The burgess roll made up from revised lists under this Act of burgesses for any municipal borough shall come into operation on the first day of November next after the revision, and shall continue in operation for the year commencing with such first day of November.

Certain expressions in 38 & 39 Vict. c. 40, to refer to new burgess roll or ward list.

34. For all the purposes of the Municipal Elections Act, 1875, relating to the qualification of candidates, or of persons signing or subscribing nomination papers, expressions referring to the burgess roll of the borough, or to the burgess roll or ward list for the time being in force in the borough or ward, shall, for the purposes of any election to be held on or after the first day of November in any year, be deemed to refer to the new burgess roll or ward list to come into force on the first day of November in that year.

Appeal and correction of burgess roll where burgess lists are revised under this Act.

35. Where burgess lists are revised under this Act, the provisions of the Parliamentary Registration Acts as to appeal from the decision of the revising barrister shall apply to a decision on the revision of the burgess lists, and the provisions of the said Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll made up from the burgess lists as if it were a register of parliamentary voters, except that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration or correction shall be made and signed by him.

Power for revising barrister to summon witnesses.

36. A revising barrister may by summons under his hand require any person to attend at the court and give evidence or produce documents for the purpose of the revision, and any person who after the tender to him of a reasonable amount for his expenses fails so to attend, or who fails to answer any question put to him by the revising barrister in pursuance of this section,

or to produce any document which he is required in pursuance of this section to produce, shall be liable to pay such fine not exceeding five pounds as may be imposed by the revising barrister, and such fine may be recovered, and when recovered shall be applied in like manner as any other fine imposed by the revising barrister under the Parliamentary Registration Acts.

Appeal where revising barrister neglects or refuses to state case.

37. If any person feels aggrieved by a revising barrister neglecting or refusing to state any case, he may, within one month after such neglect or refusal, apply to the High Court of Justice upon affidavit of the facts for a rule calling on the revising barrister, and also on the person, if any, in whose favour the decision from which the applicant desires to appeal was given, to show cause why a rule should not be made directing the appeal to be entertained and the case to be stated, and thereupon the High Court, or any judge thereof in chambers, may make such rule to show cause, and make the same absolute, or discharge it with or without payment of costs as seems just, and the revising barrister on being served with any such rule absolute shall state the case accordingly, and the case shall be stated and the appeal entertained and heard, notwithstanding any limitations of time or place contained in the Parliamentary Registration Act, 1843. 6 & 7 Vict. c. 18.

Costs of appeal.

38. The costs of an appellant against a decision of a revising barrister may, if the appeal is successful, be ordered by the court hearing the appeal to be paid by the clerk of the peace or town clerk named as respondent in the said appeal, whether he shall or shall not appear before the said court in support of the decision.

For enabling an appellant to obtain such an order he may at or before the time of making his declaration of appeal under section forty-two of the Parliamentary Registration Act, 1843, require the revising barrister to name the clerk of the peace for the county or the town clerk for the parliamentary borough or municipal borough, as the case may be, to which the appeal relates to be respondent in the appeal. 6 & 7 Vict. c. 18, s. 42.

The revising barrister if so required shall, and in any case may, name such clerk of the peace or town clerk, as the case may be, to be respondent in an appeal, either alone or in addition to any other person referred to in section forty-three of the Parliamentary Registration Act, 1843. 6 & 7 Vict. c. 18, s. 43.

The expenses properly incurred by a clerk of the peace or

town clerk as respondent, including any costs which he may be ordered to pay the appellant in any such appeal, shall be allowed to him as part of the expenses incurred by him in respect of the revision of the list to which the appeal relates. The term "expenses" in this section shall include all matters mentioned in section thirty one of the Representation of the People Act, 1867.

30 & 31 Vict. c. 102, s. 31.

The costs of an appeal against a decision of a revising barrister shall be in the discretion of the court hearing the appeal, subject, as aforesaid, to the proviso contained in section seventy of the Parliamentary Registration Act, 1843.

6 & 7 Vict. c. 18, s. 70.

Power to make rules for proceedings at revision courts.

39. The authority having power to make rules for regulating the practice and procedure in Her Majesty's High Court of Justice may from time to time make, and when made alter and annul, rules for regulating the practice and procedure in the courts of revising barristers for the purposes of the Parliamentary Registration Acts and of this Act.

Rules to be laid before Parliament.

All rules made under this section shall be laid before each House of Parliament within forty days next after the same are made, if Parliament is then sitting, and if not, within forty days after the beginning of the then next sitting of Parliament, and if an address is presented to Her Majesty by either of the said Houses within the next subsequent forty days on which the said House shall have sat praying that any such rule be annulled, Her Majesty may by Order in Council annul the same, and any rule so annulled shall thenceforth be of no effect, but without prejudice to the validity of any proceedings in the meantime taken thereunder.

All such rules shall while in force have effect as if enacted in this Act.

Service of notices. 6 & 7 Vict. c. 18, s. 101.

40. The provisions of section one hundred and one of the Parliamentary Electors Registration Act, 1843, as to the service of notices shall apply to the service of notices under this Act.

The term "notice" in the Parliamentary Registration Acts and this Act shall include any document required to be sent or delivered.

Application of 35 & 36 Vict. c. 33, s. 13.

41. Section thirteen of the Ballot Act, 1872, shall, with respect to any municipal election, apply to non-compliance with any of the provisions of or mistake or error in the use of any of the forms prescribed by the Municipal Elections Act, 1875.

38 & 39 Vict. c. 40.

42. Nothing in this Act shall affect any register of parliamentary voters or burgess roll in force at the commencement of this Act. Saving for existing registers and burgess rolls.

43. Nothing in this Act shall affect the provisions contained in section seventy-eight of the Reform Act, 1832. Saving for 2 & 3 Will. 4, c. 45, s. 78.

SCHEDULE.

FORM (A.)

FORM of PRECEPT of the TOWN CLERK or other OFFICER issuing the PRECEPT to the OVERSEERS of any PARISH situate wholly or partly in a PARLIAMENTARY BOROUGH, or in a MUNICIPAL BOROUGH the whole or part of the area of which is co-extensive with or included in the area of a PARLIAMENTARY BOROUGH.

† Parliamentary borough of † (*a*) / * Municipal borough of * (*b*) to wit. } To the overseers of the poor of the parish of [*or* township] of

In pursuance of the provisions of the Parliamentary and Municipal Registration Act, 1878, and the Acts therein referred to, I require your attention to the following:—

INSTRUCTIONS.

On or before the twentieth day of June you are to publish a notice [*or* notices], signed by you according to the form marked B. (*c*) among the printed forms herewith sent.

The manner in which you are required to publish that notice is as follows (that is to say); you are to fix one of the printed copies (each copy being first signed by you), on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [*or* township], including chapels which do not belong to the Established Church, and also in some public and conspicuous position on or near every post-office or telegraph office occupied by or on behalf of Her Majesty's Postmaster-General, and every public or municipal or parochial office in your parish [*or* township], or if there is no such church, chapel, or office, then in some public situation in

your parish [*or* township] and it must remain there during a period including two Sundays at the least.

Where any poor rate was on the first day of June due from an occupier in respect of any premises capable of conferring the franchise for the said † parliamentary * or † (*a*) municipal* (*b*) borough, you are on or before the twentieth day of June to give to that occupier a notice in the form marked C. (*d*) sent herewith, by delivering it to the occupier, or leaving it at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable, and in case no such person can be found, then by affixing the notice upon some conspicuous part of such premises. You need not give this notice if the rate has been previously duly demanded by a demand note served in the like manner as the last-mentioned notice.

On or before the twenty-second day of July next you are to make out a list containing the name and place of abode of every person who has not paid on or before the twentieth day of the same month all poor rates (*e*) which have become due from him in respect of any premises within your parish [*or* township] before the fifth day of January last, and you are to keep that list to be perused by any person gratis at any time between 10 a.m. and 4 p.m. on any day, except Sunday, during the first fourteen days after the said twenty-second day of July.

On or before the last day of July you are to make out a list of all persons † entitled under any right conferred by the Reform Act, 1832 (2 & 3 Will. 4, c. 45), or by section three of the Representation of the People Act, 1867, to be registered as parliamentary voters to vote at the election of a member [*or* members] to serve in parliament for the parliamentary borough of
in respect of the occupation of property situate wholly or partly within your parish [*or* township], * or † (*a*) entitled to be enrolled as burgesses of the municipal borough of in respect of the occupation of property situate wholly or partly within your parish [*or* township] * (*b*).

* This list is to be made out in three divisions :—

Division One is to comprise the names of the persons entitled both to be registered as parliamentary voters under a right conferred as aforesaid, and to be enrolled as burgesses.

Division Two is to comprise the names of the persons entitled to be registered as parliamentary voters under a right conferred as aforesaid, but not to be enrolled as burgesses.

Division Three is to comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as

parliamentary voters under a right conferred as aforesaid * (*f*).

† On or before the last day of July you are also to make out a list of all persons who are entitled within your parish [*or* township] to be registered as parliamentary voters to vote at the election of a member [*or* members] to serve in parliament for the said parliamentary borough in respect of any other right than a right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867 (except as freemen or as lodgers).

On or before the last day of July you are also to make out a list of all persons who being on the register of voters now in force for the said parliamentary borough in respect of residence in lodgings within your parish [*or* township] have duly claimed, on or before the twenty-fifth day of July, to have their names inserted in the lists of parliamentary voters for the said borough in respect of residence in the same lodgings † (*a*).

These lists are [*or* this list is] to be in the Form D. (*or as the case may be*, E. *or* F.) sent herewith (*g*).

* On or before the last day of July you are also to make out a list (in the Form G. sent herewith) of all persons who are entitled, in respect of the occupation of property within your parish [*or* township], to be elected councillors or aldermen of the said municipal borough, but who are not entitled to be on the burgess roll thereof * (*b*).

In making out each of these lists you will follow the directions of which a copy is enclosed (*i*).

On or before the first day of August you are to sign and publish written or printed copies of these lists, in the same manner as before mentioned with respect to the notice.

You are to keep a copy of these lists signed by you, † and also a copy of the list of defaulters in payment of assesed taxes sent to you by the collector of taxes,† to be open to public inspection at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of any day, except Sunday, during the first fourteen days after the publication of the said lists, and to deliver copies of any such lists to any person on payment of a price for each copy after the rate contained in the table marked "Parliamentary Registration Act, 1843, Schedule (D.), No. 1," sent herewith (*k*).

You are to make out lists according to the forms marked K. sent herewith (*l*), containing the names of every person who has given or caused to be given to you, or any one of you, on or before the

twenty-fifth day of August, notice of his claim to have his name inserted in any list of voters, making separate lists of—

(1.) Persons claiming to be entered in the lists of parliamentary voters otherwise than as freemen or lodgers ; and

(2.) Persons claiming to be entered in the lists of parliamentary voters as lodgers who are not comprised in the above-mentioned list of lodger voters ; * and

(3.) Persons claiming te be entered in the burgess lists* (*b*).

You are also to make out lists according to the forms marked L. sent herewith, containing the names of every person against whom a notice of objection has been given to you, or any of you, on or before the twenty-fifth day of August, as not being entitled to have his name retained in any list for your parish [*or* township], giving in separate lists the objections made to—

(1.) Any person on the list of parliamentary voters other than the above-mentioned list of lodger voters :

(2.) Any person on the above-mentioned list of lodger voters :

(3.) Any person on the burgess list (*b*).

On or before the twenty-ninth day of August you are to deliver to me copies of the lists so respectively made out and signed by you as aforesaid.

On or before the first day of September you are to sign and publish each of the lists of claimants and persons objected to in the same manner as before mentioned with respect to the notice.

You are to keep a copy of each of the lists of claimants and persons objected to, signed by you, and these copies, and also the original notices, of claims and of objections, are to be open to public inspection at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of September, and you are to deliver copies of each of these lists to any person on payment of a price for each copy after the rate contained in the table marked "Parliamentary Registration Act, 1843, Schedule (D.), No. 1," sent herewith.

If you find any such notice, list, or other document published by you as aforesaid to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its room to the same effect.

You are to attend at the court to be holden for the revision of the said lists, of the time of holding which notice will be given ;

and at the opening of the court you are there to deliver to the barrister before whom the same is holden the several lists made out and signed by you, and the original notices of claims and of objections given to you.

Herein if you fail you will be liable to the penalties in that case provided (*m*).

Dated the day of 18 .

(Signed) *A.B.*,
Town Clerk of the Municipal Borough
of .

(*a*) Omit part between crosses if no part of parish is in a parliamentary borough.
(*b*) Omit part between asterisks if no part of parish is in a municipal borough.
(*c*) Form B. in this Schedule must be sent.
(*d*) Form C. in this Schedule must be sent.
(*e*) When a borough rate is levied as a separate rate and not as part of the poor rate, the precept should be altered accordingly so as to contain a reference to the borough rate.
(*f*) Omit part between asterisks if no part of parish is in a municipal borough, or if no part of parish is in a parliamentary borough.
(*g*) The appropriate form must be sent.
(*h*) Omit between asterisks if no part of the parish is in a municipal borough, but unless it is omitted send Form G.
(*i*) A printed copy of the directions in the schedule for the guidance of overseers in making out the lists must be enclosed.
(*k*) A printed copy of the Table No. 1 in Schedule (D.) to the Parliamentary Registration Act, 1843, 6 & 7 Vict. c. 18, must be enclosed.
(*l*) Forms marked K. and L. must be sent.
(*m*) If the officer issuing precept is not the town clerk of a municipal borough, he should append to his signature his proper official description.

FORM B.

NOTICE to be Published by the OVERSEERS in a PARLIAMENTARY BOROUGH.

Parliamentary borough of , to wit. } We hereby give notice that no person will be entitled to have his name inserted in any list of Parliamentary voters for the Parliamentary borough of , now about to be made in respect of the occupation of any property situate wholly or partly within this parish [*or* township], unless he pays on or before the Twentieth day of July all the poor rates which have become due from him in respect of those premises up to the Fifth day of January last past; or to have his name inserted in any such list under any right conferred by the Reform Act, 1832, in respect of the occupation of any property situate as aforesaid, unless he pays on or before the Twentieth day of July all assessed taxes which

have become due from him in respect of those premises up to the Fifth day of January last past; and all persons who omit to make such payments will be incapable of being upon the next register of Parliamentary voters for this borough in respect of those premises.

Dated the day of June 18 .

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township of .

NOTICE to be Published by the OVERSEERS in a MUNICIPAL BOROUGH.

Municipal borough of , to wit. } We hereby give notice that no person will be entitled to have his name inserted in any list of burgesses of the municipal borough of , now about to be made in respect of the occupation of any property situate wholly or partly within this parish [*or* township], unless he pays on or before the Twentieth day of July all poor rates and borough rates (if any) which have become due from him in respect of those premises up to the Fifth day of January last past; and all persons who omit to make such payment will be incapable of being upon the next burgess roll for this borough in respect of those premises.

Dated the day of June 18 .

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

Note.—Where a parish is situate within both a Parliamentary borough and a municipal borough, both the above notices must be issued.

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

FORM (C.)

To *A.B.*

†Parliamentary borough of †

*Municipal borough of *

Take notice that you will not be entitled to have your name inserted †in the list of Parliamentary voters for the Parliamentary borough of *or† in the burgess lists for the municipal borough of *now about to be made in respect of the premises in your occupation in [*street or place*], unless you pay on or before the Twentieth day of July next all the poor rates*

(including borough rates, if any)* due from you in respect of those premises up to the Fifth day of January last, amounting to £ , and if you omit to make such payment you will be incapable of being on the next †register of Parliamentary voters for the said Parliamentary borough* or† burgess roll for the said municipal borough.*

Dated the day of June 18 .

(Signed) *C.D.*, *E.F.* } Overseers,

or

G.H., Assistant Overseer,

or

I.K., Collector

of the Parish [*or* Township] of .

Note—This form is to be used in every Parliamentary borough, but only in a municipal borough the whole or part of the area of which is co-extensive with or included in the area of a Parliamentary borough.

If no part of the parish is in a Parliamentary borough the parts between crosses are to be omitted.

If no part of the parish is in a municipal borough the parts between asterisks are to be omitted.

Where a borough rate is levied as a separate rate and not as part of the poor rate, the form should be altered accordingly, so as to distinguish the borough rate from the poor rate, and to state that omission to pay the borough rate will disqualify for enrolment as a burgess.

FORM (D.)

FORM of LISTS of PARLIAMENTARY VOTERS and BURGESSES for a PARISH wholly or partly situate both in a PARLIAMENTARY BOROUGH and in a MUNICIPAL BOROUGH.

No. 1.—LIST OF

†The persons entitled under any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to be registered as Parliamentary voters to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of the occupation of property situate wholly or partly within this parish [*or* township],* and† the persons entitled to be enrolled as burgesses for the municipal borough of in respect of the occupation of property situate wholly or partly within this parish [*or* township] *.

N.B.—This list (No. 1) does not contain the names of any Parliamentary voters except those entitled under some right conferred by the Reform Act, 1832, or by sect. 3 of the Representation of the People Act, 1867.

Division One. Persons entitled both to be Registered as Parliamentary Voters under a right conferred as aforesaid, and to be Enrolled as Burgesses.

1. Names of Voters in full, Surname being First.	2. Place of Abode.	3. Nature of Qualification.	4. Name and Situation of Qualifying Property.
Abrahams, Samuel	4, Brick Street -	House (joint)	4, Brick Street.
Brown, Thomas -	4, Brick Street -	Shop - -	4, Brick Street.
Masters, Abel -	1, Brick Street -	House -	1, Brick Street.
Smith, William -	Wood Villa, Gainsborough	Building -	2, Brick Street.

Division Two. Persons entitled to be Registered as Parliamentary Voters under a right conferred as aforesaid, but not to be Enrolled as Burgesses.

Names of Voters in full, Surname being First.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.
Adams, John -	24, Duke Street	House -	7, Brick Street.
Stubbs, Thomas -	10, High Street	Shop - -	4, Brick Street.

Division Three. Persons entitled to be Enrolled as Burgesses, but not to be Registered as Parliamentary Voters under a right conferred as aforesaid.

Names of Voters in full, Surname being First.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.
Gardener, Mary -	10, Brick Street	House -	10, Brick Street
Thompson, Henry	14, John Street	Warehouse	3, Brick Street.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

No. 2.—LIST OF

The persons entitled to be registered as Parliamentary Voters to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of any other right than a right conferred by the Reform Act, 1832, or by section 3 of the Representation of the People Act, 1867 (except as freemen or as lodgers).

Names of Voters in full, Surname being First.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property (if any).
Smith, John -	15, Brick Street	Inhabitant householder, paying scot and lot.	

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

No. 3.—LIST OF

The persons who being on the register of voters now in force for the Parliamentary borough of in respect of residence in lodgings within the parish [*or* township] of claim, in respect of residence in the same lodgings, to have their names inserted in the list of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the said borough.

Names of Claimants in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other place, and Number, if any, of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other person to whom Rent is paid.	Objections by Overseers.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of

FORM (E.)

FORM OF LIST of Parliamentary Voters for a Parish wholly or partly situate in a PARLIAMENTARY BOROUGH, but not in a MUNICIPAL BOROUGH.

This form is to be the same as Form D., omitting from List No. 1 the parts between asterisks, and omitting the words "*Division One. Persons entitled, &c.,*" forming the heading of Division One, and omitting Divisions Two and Three.

FORM (F.)

FORM of LIST of Burgesses for a PARISH wholly or partly situate in a MUNICIPAL BOROUGH, but not in a PARLIAMENTARY BOROUGH.

This form is to be the same as Form D., No. 1, omitting the parts between crosses, and omitting the words "*Division One. Persons entitled, &c.,*" forming the heading of Division One, and omitting Divisions Two and Three.

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

FORM (G.)

FORM of LIST of Occupiers in any Parish entitled to be elected Councillors or Aldermen of a Municipal Borough, though not entitled to be on the Burgess Roll of that Borough.

List of the persons who are entitled to be elected councillors or aldermen of the municipal borough of in respect of the occupation within the parish [*or* township] of of any property, but who are not entitled to be on the Burgess Roll of that borough.

1. Name of Persons in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

FORM (H.)

FORM of NOTICE OF CLAIM.

No. 1.—PARLIAMENTARY (General).

To the overseers of the parish [*or* township] of

I claim to have my name inserted in the list made by you of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of the qualification named below.

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*

No. 2.—PARLIAMENTARY (Lodgers).

To the overseers of the parish [*or* township] of

I claim to have my name inserted in the list of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of the qualification named below.

Name of Claimant in full, Surname being first.	Description of Rooms occupied and whether Furnished or not.	Street, Lane, or other Place and Number (if any) of House in which Lodgings situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.
Stevens, John William	Two rooms, first floor, furnished.	51, Brick Street.	16*s.* a week.	William Johnson, High Street

I hereby declare that I have during the twelve calendar months immediately preceding the Fifteenth day of July in this year occupied as sole tenant [*or* as joint tenant with], and resided in the above-mentioned lodgings, and that those lodgings are of a clear yearly value, if let unfurnished, of ten [*or* twenty] pounds or upwards † and I hereby declare that I am on the register of Parliamentary voters for the said Parliamentary borough in respect of the same lodgings as above mentioned, and I desire to have my name inserted in the list of lodger voters published on or before the first day of August.†

Dated the day of 18 .

(Signed) *A.B.* (the Claimant).

I, the undersigned, hereby declare that I have witnessed the above signature of the above-named [*here state name of claimant*], at the date stated above, and that I believe the above claim to be correct.

Dated the day of 18 .

(Signed) *C.D.*, of

[*state residence and calling of witness.*]

Note.—If the claim is in respect of different rooms successively occupied as lodgings in the same house, the notice of claim must specify each room, or set of rooms, so occupied. If the claimant is on the register in respect of the same lodgings, and desires to have his name inserted in the list of lodger voters published on or before the First day of August, he must send in his claim on or before the Twenty-fifth day of July. In any other case he must send it in after the last day of July, and on or before the Twenty-fifth day of August. If there are two joint lodgers, the yearly value of the lodgings must be twenty pounds or upwards.

Omit the words between crosses if they are not applicable.

No. 3.—MUNICIPAL. L

To the overseers of the parish [*or* township] of

I claim to have my name inserted in the list made by you of

burgesses of the municipal borough of in respect of the qualification named below.

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

FORM (I.)

FORM OF NOTICE OF OBJECTION.

No. 1 (PARLIAMENTARY).

NOTICE of OBJECTION to be given to OVERSEERS.

To the overseers of the parish [*or* township] of

I hereby give you notice that I object to the name of being retained on the lists of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Dated the day of 18 .

(Signed) *A.B.* [*place of abode*]

on the List of Parliamentary voters for the parish of .

No. 2 (PARLIAMENTARY).

NOTICE of OBJECTION to be given to PERSON objected to.

To Mr.

I hereby give you notice that I object to your name being retained on the lists of persons entitled to vote at the election of

members [*or* member] to serve in Parliament for the Parliamentary borough of , on the following grounds, viz.:—

1. *e.g.*, that you have not occupied for twelve months to July 15th.

2. That

3.

Dated the day of 18 .

(Signed) *A.B.*, of [*place of abode*], on the List of Parliamentary voters for the parish of .

Note.—If there is more than one list of Parliamentary voters, the notice of objection in each of the above two cases, Nos. 1 and 2, should specify the list to which the objection refers, and if the list referred to is made out in divisions, the notice of objection should specify the division to which the objection refers; and if the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

No. 3 (MUNICIPAL).

NOTICE of OBJECTION to be given to OVERSEERS.

To the overseers of the parish [*or* township] of

I hereby give you notice that I object to the name of being retained on the list of burgesses of the municipal borough of .

Dated the day of 18 .

(Signed *A.B.*, of [*place of abode*], on the List of Burgesses for the parish of .

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

No. 4 (MUNICIPAL).

NOTICE of OBJECTION to be given to PERSON objected to.

To Mr.

I hereby give you notice that I object to your name being retained on the lists of burgesses of the municipal borough of , on the following grounds, viz.:—

1. *e.g.*, that you have not occupied for twelve months to July 15th.
2. That
3.

Dated the day of 18 .

(Signed) *A.B.* of [*place of abode*], on the List of Burgesses for the parish of .

Note.—If there is more than one burgess list the notice of objection in each of the above two cases, Nos. 3 and 4, should specify the list to which the objection refers, and if the list is made out in divisions, the notice of objection should specify the division to which the objection refers; and if the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

FORM (K.)

FORM of LIST of CLAIMANTS to be Published by the Overseers.

No. 1.—GENERAL LIST OF CLAIMANTS (PARLIAMENTARY).

The following persons claim otherwise than as lodgers to have their names inserted in the lists of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

No. 2.—LIST of LODGER CLAIMANTS (PARLIAMENTARY).

The following persons claim as lodgers to have their names inserted in the lists of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Name of Claimant in full, Surname being first.	Description of Rooms occupied and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other person to whom Rent is paid.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

No. 3.—LISTS OF CLAIMANTS (MUNICIPAL).

The following persons claim to have their names inserted in the Burgess Roll for the municipal borough of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in a Parliamentary borough.

FORM (L.)

FORM of LIST of PERSONS Objected to to be Published by the Overseers.

No. 1.—LIST of PERSONS objected to (PARLIAMENTARY).

The following persons have been objected to as not being entitled to have their names retained on the lists of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

No. 2.—LIST of LODGERS objected to (PARLIAMENTARY).

The following persons have been objected to as not being entitled to have their names retained on the list of persons entitled to vote in respect of residence in lodgings at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Name of Person objected to in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

Note.—This form applies only to lodgers on the list of lodger claimants who claimed on or before the Twenty-fifth day of July, and were then on the register in respect of the same lodgings, and who are objected to. The list of such lodgers should form a separate list from that of other persons objected to.

No. 3.—LIST of PERSONS objected to (MUNICIPAL).

The following persons have been objected to as not being entitled to have their names retained on the Burgess Lists for the municipal borough of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*, *C.D.* } Overseers of the Parish [*or* Township] of .

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in a Parliamentary borough.

FORM (M.)

DECLARATION for correcting misdescription in List.

I, of No. in the parish of in the Parliamentary borough of and in the municipal borough of [*as the case may be*], do solemnly and sincerely declare as follows:—

1. I am the person referred to in Division of the List of Parliamentary Voters and Burgesses made out in Divisions [or in the list of] (*specifying the particular list*) made out for the parish of , by an entry as follows:—

Name as described in List.	Place of Abode as described in List.	Nature of Qualification as described in List.	Name and Situation of Qualifying Property.
Brown, John - -	High Street -	Shop - -	2, Shire Lane.

2. My correct name and place of abode, and the correct particulars respecting my qualification, are, and ought to be stated for the purposes of the Register about to be made up of voters for the Parliamentary borough of , and the Burgess Roll about to be made up of burgesses for the municipal borough of (*as the case may be*), as follows :—

Correct Name.	Correct place of Abode.	Correct nature of Qualification.	Correct Name and Situation of Qualifying Property.
Brown, Joseph -	15, High Street	House -	24, Shire Lane.

Dated this day of 18 .

(Signed)

Made and subscribed before me this day of 18 .

A.B.,

Justice of the Peace for .

The person before whom the declaration is made should affix his official description.

FORM (N.)

NOTICE OF WITHDRAWAL OF OBJECTION.

No. 1.—NOTICE to t e PERSON objected to.

To Mr.

I hereby give you notice that I withdraw my objection to your name being retained on the list of † so far as regards the ground of objection numbered in my notice to you of such objection.†

Dated the day of 18 .

(Signed)

The list should be referred to in the manner prescribed for the notice of objection.

Omit the words between crosses if the objection is wholly withdrawn.

The notice should be signed in the manner prescribed for the notice of objection.

No. 2.—NOTICE to the TOWN CLERK.

To the Town Clerk of

I hereby give you notice that I withdraw my objection to the name of being retained on the list of † so far as regards the ground of objection numbered in my notice to him of such objection. †

Dated the day of 18 .

(Signed)

The list should be referred to in the manner prescribed for the notice of objection.

Omit the words between crosses if the objection is wholly withdrawn.

The notice should be signed in the manner prescribed for the notice of objection.

FORM (O.)

NOTICE of REVIVING an OBJECTION.

No. 1.—NOTICE to the PERSON objected to.

To Mr.

I hereby give you notice that I revive the objection which was made by , since deceased, to your name being retained on the list of † so far as regards the ground of objection numbered in the notice to you of such objection.†

Dated the day of 18 .

(Signed)

The list should be referred to in the manner prescribed for the notice of objection.

Omit the words between crosses if the objection is wholly revived.

The notice should be signed in the manner prescribed for the notice of objection.

No. 2.—NOTICE to the TOWN CLERK.

To the Town Clerk of

I hereby give you notice that I revive the objection which was made by , since deceased, to the name of being retained on the list of † so far as regards the ground of

objection numbered in the notice to the person objected to of such objection. †

Dated the day of 18 .

(Signed)

The list should be referred to in the manner prescribed for the notice of objection.

Omit the words between crosses if the objection is wholly revived.

The notice should be signed in the manner prescribed for the notice of objection.

NOTE P.

DIRECTIONS for the Guidance of OVERSEERS in making out the Lists.

The following directions should be observed by overseers in making out the lists of parliamentary voters and burgesses, and also the lists of claimants and persons objected to as parliamentary voters and burgesses.

(1.) The surname and other name or names of each person are to be written at full length, the surname being placed first.

(2.) Each list, and where the list is made out in divisions, each division of each list should be made out in alphabetical order (*a*).

(3.) The place of abode should be entered with the name of the street, lane, or other locality, and the number in such street, lane, or other locality of such place of abode, where there is any such name or number, and should be entered in all cases in such a manner as will afford a full and sufficient address for a person entered if a letter is addressed to him by post.

(4.) The nature of the qualification should be entered as nearly as possible in the words of the statute conferring the franchise, for instance :—

(*a*) The nature of the qualification of a person under the Reform Act, 1832 (2 & 3 Will. 4, c. 45), or under the Municipal Corporation Acts, should be stated thus : "house," or in the case of a joint occupation, "house (joint)," or "warehouse," "counting-house," "shop," or "building," or in the manner provided by the Parliamentary and Municipal Registration Act, 1878, as the case may be :

(*b*) The nature of the qualification of a person under section 3 of the Representation of the People Act, 1867, should be stated thus, "dwelling-house."

(5.) The name and situation of the qualifying property, if the qualification is in respect of property, should be entered with the name of the street, lane, or other locality, and the number in such street, lane, or other locality of such property, where there is any such name or number, and should be entered in all cases in such a manner as will afford full and sufficient means of identifying such property.

(6.) Where several qualifications are possessed by the same person, the particulars respecting each qualification should be stated in the list; and in case of a list made out in divisions, where a person is entered in Division 1 in respect of one qualification for parliamentary purposes, and in respect of another qualification for municipal purposes, each such qualification should be distinguished in the list by a note to the effect that the qualification is for parliamentary purposes only, or for municipal purposes only, as the case may be.

(7.) In making out the list of lodger claimants who claim on or before the twenty-fifth day of July, and are then on the register in respect of the same lodgings, if you have reason to believe that any person whose name is entered on that list is dead, or is not entitled to vote, you should make a note to that effect in the last column of the list, being the column headed "Objections by overseers."

(8.) You should omit from any list of Parliamentary voters or burgesses the name of any person who appears from the returns furnished by the registrar of births and deaths to be dead, and the name of any person who is ascertained to be disqualified for being inserted in the list by reason of having received parochial relief or other alms.

(*a*) If the local authority has given any special directions as to the mode of making out the list the town clerk, or other officer issuing the precepts must modify direction (2) accordingly.

NOTE (Q.)

DIRECTIONS for Guidance in the formation of the PARLIAMENTARY REGISTER and BURGESS ROLL.

In copying and printing Divisions 1 and 2 for the Parliamentary Register, and Divisions 1 and 3 for the Burgess Roll, of any revised list made out in divisions under this Act, the two

divisions in each set may, and, if and so far as the local authority under the Act shall so direct, shall be combined or kept separate, and be arranged according to convenience for use in parts for polling districts or wards, and where the polling districts and wards are not conterminous in such manner that the parts may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists; and the names may, and, if and so far as the said local authority shall so direct, shall be distinguished by a number either alone, or in combination with a letter or other distinguishing mark according to the parts, and any arrangement may, and, if and so far as the said local authority shall so direct, shall be adopted according to convenience, so that one print or edition of Division 1 may be available for both sets.

Each entry for voting on the Parliamentary register of every Parliamentary borough, and on the burgess roll of every municipal borough whose burgess lists are revised under this Act, is to be distinguished by a number, either alone or in combination with a letter or distinguishing mark.

Any entry of a person not entitled to vote in respect of the qualification therein contained, he being on the list for voting in respect of another qualification, is to be denoted by an asterisk in the manner provided by section forty-seven of the Parliamentary Registration Act, 1843, with respect to similar entries in the registers for counties.

The officer having the custody of any revised lists under this Act shall permit access thereto for the purpose of the same being copied for the Parliamentary register of the Parliamentary borough, and for the Burgess Roll of any municipal borough to which such revised lists relates.

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41 & 42 VICT. CHAP. 33.

AN ACT to amend the law relating to Dental Practitioners,
[22nd July, 1878.]

* * * * * *

Exemptions of registered persons.

30. Every person registered under this Act shall be exempt, if he so desires, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, ward, hundred, and township offices, and from serving in the Militia; and the name of any registered person shall not be returned in any list of persons liable to serve in the Militia, or in any such office as aforesaid.

* * * * * *

41 & 42 VICT. CHAP. 37.

AN ACT to further amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto. [8th August, 1878.]

38 & 39 Vict. c. 65.

WHEREAS by the Metropolitan Board of Works (Loans) Act, 1875 (in this Act referred to as "the Act of 1875"), the raising of money by the Metropolitan Board of Works (in this Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the board by parliament for the purposes therein named should for the future be limited both in time and amount:"

40 & 41 Vict. c. 52.

And whereas by the Metropolitan Board of Works (Money) Act, 1877 (in this Act referred to as the "Act of 1877"), the board were empowered to raise certain sums of money for the purposes in the said Acts mentioned, and limits of time and amount within which the powers by the said Acts granted might be exercised were fixed:

And whereas the powers for the raising of money by the Act of 1877, conferred upon the board, have been partially exercised, but it is expedient that the board should have power to raise certain further sums of money for the purposes, upon the terms, and subject to the limitations hereinafter mentioned, and that for such purposes the Act of 1877 should be amended:

And whereas it is expedient that the board should be empowered to raise any of the moneys which they are by this Act authorized to raise, and which it may be convenient to raise for a temporary period, by the issue of bills, with the consent of the Treasury, for not less than three and not more than twelve months, to be repaid out of moneys raised by the creation of consolidated stock under this Act:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1878; and the Metropolitan Board of Works

(Money) Acts, 1875 to 1877, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1878. Construction of Act. 32 & 33 Vict. c. 102. 33 & 34 Vict. c. 24. 34 & 35 Vict. c. 47. 38 & 39 Vict. c. 65. 39 & 40 Vict. c. 55. 40 & 41 Vict. c. 52.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1877.

* * * * *

11. Where a board of guardians of a union or parish wholly or for the greater part in the metropolis as defined in the Metropolis Management Act, 1855, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then, from time to time up to the thirty-first day of December, one thousand eight hundred and seventy-nine, the board may lend to the board of guardians, and the board of guardians may borrow from the board, such money as the board think fit and as the board of guardians are authorized and desire to borrow. Power for board to lend to board of guardians. 18 & 19 Vict. c. 120.

The aggregate amount lent by the board under this section shall not exceed two hundred thousand pounds.

The board in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty-years.

The board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of the stock for purposes of this section, an amount of consolidatated stock equal to that so created.

* * * * *

13. The board may from time to time, up to the thirty-first day of December, one thousand eight hundred and seventy-nine, lend to the managers of the Metropolitan Asylum District, in addition to the sum of five hundred thousand pounds authorized by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorized by section seventeen of the Metropolitan Board Extension of amount of loans by board for metropolitan asylum district. 32 & 33 Vict. c. 102.

34 & 35 Vict. c. 47.

of Works (Loans) Act, 1871, and to the sum of one hundred thousand pounds authorized by section seven of the Act of 1875, and to the sum of one hundred thousand pounds authorized by section ten of the Act of 1876, and to the sum of fifty thousand pounds authorized by section fourteen of the Act of 1877, such sums as the managers are from time to time authorized by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to, not exceeding in the whole fifty thousand pounds, and the first-mentioned section shall be construed as if nine hundred thousand pounds where therein substituted for five hundred thousand pounds.

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41 & 42 VICT. CHAP. 42.

AN ACT to amend and further extend the Acts for the Commutation of Tithes in England and Wales.

[8th August, 1878.]

WHEREAS an Act was passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, intituled "An Act for the commutation of tithes in England and Wales," and the said Act has been amended, and the provisions thereof have been extended, by Acts passed in the sessions of Parliament held respectively in the first year, the first and second years, the second and third years, the third year, the fifth and sixth years, the ninth and tenth years, and the twenty-third and twenty-fourth years of the reign of Her present Majesty:

6 & 7 Will. 4, c. 71.
7 Will 4 and 1 Vict. c. 69.
1 & 2 Vict. c. 64,
2 & 3 Vict. c. 62.
3 & 4 Vict. c. 15.
5 & 6 Vict. c. 54.
9 & 10 Vict. c. 73.
23 & 24 Vict. c. 93.

And whereas it is expedient that the said Acts should be amended, and that the provisions thereof should be further extended in manner hereinafter mentioned:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Redemption of tithe on land required for public purposes.

1. In all cases where land charged with rentcharge in lieu of tithes is taken for any of the following purposes; that is to say,

The building of any church, chapel, or other place of public worship;

The making of any cemetery or other place of burial;

33 & 34 Vict. c. 75.

The erection of any school under the Elementary Education Act;

The erection of any town hall, court of assize, jail, lunatic asylum, hospital, or any other building used for public

purposes, or in the carrying out of any improvements under the Artizans Dwellings Act, 1875; 38 & 39 Vict. c. 36.

The formation of any sewage farm under the provisions of the Sanitary Acts, or the construction of any sewers, or sewage works, or any gas or water works:

Or the enlarging and improving of the premises or buildings occupied or used for any of the above-mentioned purposes;

the person or persons proposing to carry out the above-mentioned works, buildings, or improvements shall, as soon as the said person or persons are in possession of the land, and before the land is applied to any of the purposes aforesaid, apply to the Tithe Commissioners to order the redemption of the rentcharge for a sum of money equal to twenty-five times the amount thereof; and the redemption money, with the expenses incident to the redemption, shall be paid to the said Commissioners within a time to be fixed by such order, or within any enlarged time the Commissioners may appoint, and the Commissioners shall apply such redemption money in the manner provided by the said Acts.

Application for redemption.

2. The application to the said Commissioners in respect of any such land may be signed by the secretary of any company which shall have taken the land, or in the case of a corporation, school, or other board, by the clerk of the said board or corporation, and in every other case by such person or persons as the Commissioners may require.

Redemption of tithe not exceeding twenty shillings.

3. Whenever land has been charged with any rentcharge not exceeding twenty shillings, the Commissioners may, if they see fit, upon the application of the owner of such land or of the person entitled to the rentcharge thereon, by an order under their hands and seal, direct that such rentcharge shall be redeemed by the payment by or on behalf of the owner of the said land charged therewith, within such time as the Commissioners by such order shall direct and appoint, of a sum of money equal to twenty-five times the amount of such rentcharge.

Redemption of tithe exceeding twenty shillings.

4. Whenever any land has been charged with a rentcharge exceeding twenty shillings, the Commissioners may, if they see fit, upon the joint application of the owner of the land and the person entitled to the rentcharge, order such rentcharge to be redeemed for a sum not being less than twenty-five times the amount thereof, provided that the bishop of the diocese and the patron of the benefice consent to such redemption, when-

ever the person entitled to the rentcharge is entitled thereto in right of any benefice or cure.

Redemption of tithe on divided lands.

5. Whenever lands charged with rentcharge under any instrument of apportionment or altered apportionment shall be divided for building or other purposes into numerous plots, and it shall appear to the Commissioners that no further apportionment of the said rentcharge can conveniently be made, the Commissioners may, if they shall see fit, upon the application of the owner or of the person for the time being entitled to the receipt of the said rentcharge, and without limitation as to the amount thereof, by an order under their hands and seal, direct that such rentcharge shall be redeemed by the payment by the owners of the lands chargeable therewith, within such time as the Commissioners shall by such order direct and appoint, of a sum of money not less than twenty-five times the amount of such rentcharge.

Application of existing powers to this Act.

6. All the powers and provisions of the said recited Acts respecting the redemption of rentcharge and the assessment and recovery of redemption money and expenses (except as otherwise by this Act is provided) shall be applicable to all redemptions authorized and effected under this Act.

Exchange of annual payment for lands or tithe rentcharge.

7. The provisions of the said Acts with reference to the exchange of glebe lands for other lands shall extend to and be deemed to authorize any spiritual person to exchange for lands, or for tithe rentcharge, any annual payment or augmentation belonging to him in right of his benefice and charged upon or payable out of any lands or tithe rentcharge.

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42 VICT. CHAP. 6.

AN ACT to amend the Law with respect to District Auditors.

[28th March, 1879.]

WHEREAS the auditors of the accounts relating to the relief of the poor (in this Act referred to as district Auditors) are under the Poor Law Amendment Act, 1868, appointed by the Local Government Board, and are by that Act declared to be civil servants of the State within the operation of the Superannuation Act, 1859, but the remuneration and expenses of such auditors which are by law payable out of local rates are in fact paid partly out of moneys annually provided by parliament, and partly out of local rates; and whereas it is expedient that in future the whole of such remuneration and expenses should be paid out of

31 & 32 Vict. c. 122, s. 24.

22 Vict. c. 26.

moneys voted by parliament, and that in lieu of the amount now so paid out of local rates an equivalent sum should be raised by means of stamps, in manner hereinafter mentioned, and also that further provision should be made respecting such payment and otherwise respecting such auditors:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the District Auditors Act, 1879. Short title.

2. After the twenty-fifth day of March, one thousand eight hundred and seventy-nine, all payments to district auditors out of any local rate shall cease, and the whole of the salaries or remuneration, and of the expenses of district auditors, to such amount as may be sanctioned by the treasury, shall be paid out of moneys provided by parliament; and for the purpose of contributing to the amount required for the payment of such salaries, remuneration, and expenses, there shall be charged on every local authority whose accounts are audited by a district auditor a stamp duty for the use of Her Majesty, according to the scale contained in the first schedule to this Act, and such duty shall be levied by a stamp on the certificate of the auditor hereinafter mentioned. Provision as to contribution by Treasury and out of local rate for payment of district auditors.

3. When the accounts of the receipts and expenditure of a local authority are audited by a district auditor, the local authority shall prepare and submit to the district auditor at every audit (other than an extraordinary audit held in pursuance of section six of the Poor Law Amendment Act, 1866) a financial statement in duplicate in the prescribed form and containing the prescribed particulars; one of such duplicates shall have the stamp charged under this Act affixed thereon, and the auditor at the conclusion of the audit shall cancel that stamp, and certify on each duplicate, in the prescribed form, the amount in words at length of the expenditure so audited and allowed, and further, that the regulations with respect to such statement have been duly complied with, and that he has ascertained by the audit the correctness of the statement. Financial statement with stamped certificate of district auditor. 29 & 30 Vict. c. 113, s. 6.

He shall forthwith send the duplicate so stamped and certified by him to the Local Government Board; and in such case a return of the receipts or expenditure comprised in such statement need not, unless the Local Government Board so require, be sent to the board in pursuance of the Local Taxation Returns Acts, 1860 and 1877. 23 & 24 Vict. c. 51. 40 & 41 Vict. c. 66.

Appointment and districts of district auditors.

4. The Local Government Board may from time to time appoint such number of district auditors as they may, with the sanction of the Treasury, think necessary for the performance of the duties of auditing the accounts which are for the time being by law subject to be audited by district auditors, and may from time to time remove such auditors.

The board may from time to time assign to district auditors their duties, and the districts in which such auditors respectively are to act, and may from time to time change wholly or in part such duties or districts; and every district so assigned to a district auditor, whether originally or upon any change, shall be deemed to be an audit district within the meaning of any enactment relating to district auditors or their districts, and the auditor to whom any district is assigned shall be deemed to be the district auditor for that district.

The board may also, with the consent of the Treasury, appoint from time to time a person or persons, either temporarily or otherwise, to assist a district auditor in the performance of his duties, and any person so appointed shall, subject to any exceptions made by the terms of his appointment, have the same powers and duties and be subject to the same obligations as the district auditor whom he is appointed to assist.

The board, with the like consent, may assign to a person so appointed such salary or remuneration and such sum for his expenses as may seem fit, and such salary, remuneration, and expenses shall be paid out of moneys provided by Parliament.

Regulations as to audit.

5. Where any accounts of the receipts and expenditure of a local authority are subject by law to be audited by a district auditor, the Local Government Board may from time to time by order make, and when made revoke and vary, such regulations as seem to the board necessary or proper respecting the audit of such accounts, including the form of keeping the accounts of the local authority and their officers, the day or days to which the accounts are to be made up, the time within which they are to be examined by the local authority, the mode in which, if it is so prescribed, they are to be certified by the local authority or any officer of that authority, the mode of publishing the time and place of holding the audit, the persons by whom such accounts are to be produced for audit, and the mode of conducting the audit, and an order under this section shall be deemed to be an order within the meaning of section ninety-eight of the Poor Law Amendment Act, 1834.

4 & 5 Will. 4, c. 76.

Stamp duties under Inland Revenue.

6. The duties charged under this Act shall be deemed to be stamp duties under the management of the Commissioners of

Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery, fraudulent dies, and other offences in connexion with stamp duties, shall apply accordingly (*a*); and such duties may, if the commissioners so direct, be denoted by adhesive stamps, to be cancelled by the auditor as provided by this Act.

Failure to submit financial statement.

7. If a local authority fail to comply with the provisions of this Act with respect to a financial statement, such local authority, or if a clerk to the local authority is appointed, that clerk, and if no clerk is appointed, but there is a treasurer or other officer keeping the accounts which should be comprised in such financial statement, that treasurer or other officer shall be liable to a fine not exceeding twenty pounds for each offence, to be recovered by action on behalf of Her Majesty in the High Court of Justice.

Definitions.

8. In this Act,—

The expression "local rate" means the poor rate, the general district rate, and every rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of a poundage assessment of the value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

The expression "local authority" means any person or body of persons who receive and expend any local rate, but does not include overseers of the poor.

The expression "prescribed" means prescribed from time to time by the Local Government Board.

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

Provision for existing auditors.

9. The Local Government Board, with the approval of the Treasury, shall as soon as may be after the passing of this Act, determine the salary or remuneration to be paid to the district auditors holding office at the passing of this Act, and the amount to be allowed for their expenses, regard being had to the sums which such officers have heretofore received out of local rates, as well as out of moneys provided by Parliament, and to any change of their duties which may be made in pursuance of this Act.

Provision for first year.

10. If in the year one thousand eight hundred and seventy-nine the audit of the accounts of the receipts and expenditure of

(*a*) See 33 & 34 Vict. c. 98.

any local authority for any period ending on some day of the month of March has been completed before the expiration of two months after the passing of this Act, the local authority shall submit the financial statement required by this Act to the auditor within the said two months.

Repeal of Acts.

11. The Acts specified in the Second Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

Provided that—

(1.) This repeal shall not affect anything done or suffered, or any right acquired or accrued, under any enactment hereby repealed; and

(2.) Any auditor appointed in pursuance of any enactment hereby repealed shall (save as may be prescribed) have the same powers and duties and be subject to the same obligations as if such enactment had not been repealed.

Saving of certain fees and expenses.

12. Nothing in this Act shall prevent a district auditor from recovering any sum in respect of an audit held by him prior to the twenty-fifth day of March, one thousand eight hundred and seventy-nine, or in respect of an audit of accounts made up to some day prior to that day, and the audit of which might have been held before the said day, or from recovering any expenses incurred, or which he may hereafter incur, in any proceedings which he is authorized or required to take or defend under the statutes in that behalf.

FIRST SCHEDULE.

Section 2.

SCALE OF STAMP DUTIES PAYABLE BY LOCAL AUTHORITIES.

Where the Total of the expenditure comprised in the Financial Statement is	The Sum shall be
Under 20*l.*	5*s.*
20*l.* and under 50*l.*	10*s.*
50*l.* and under 100*l.*	1*l.*
100*l.* and under 500*l.*	2*l.*
500*l.* and under 1,000*l.*	3*l.*
1,000*l.* and under 2,500*l.*	4*l.*
2,500*l.* and under 5,000*l.*	5*l.*
5,000*l.* and under 10,000*l.*	10*l.*
10,000*l.* and under 20,000*l.*	15*l.*
20,000*l.* and under 50,000*l.*	20*l.*
50,000*l.* and under 100,000*l.*	30*l.*
100,000*l.* and upwards	50*l.*

For the purpose of this Schedule the expenditure comprised in the financial statement shall be exclusive of any sum paid to another local authority in pursuance of a precept.

SECOND SCHEDULE.

ACTS REPEALED.

A description or citation of a portion of a Statute is inclusive of the words, section, or other part first and last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation. Section 11.

Session and Chapter.	Title.	Extent of Repeal.
4 & 5 Will. 4, c. 76.	The Poor Law Amendment Act, 1834.	Section forty-six, so far as relates to officers for the examining, auditing, allowing, and disallowing of accounts.
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Section thirty-two down to "union therefrom." Section thirty-seven. Section forty-nine, from "being at the time the auditor of" down to "may be appointed," and from "and the salary of every such auditor" down to "board of guardians."
12 & 13 Vict. c. 103.	The Poor Law Amendment Act, 1849.	Section eight.
30 & 31 Vict. c. 6.	The Metropolitan Poor Act, 1867.	Section thirty-six and section thirty-seven.
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868.	Section twenty-four. Section twenty-five, except as regards existing auditors.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section sixty, from "for the audit district" down to "in a summary manner" at the end of sub-section one.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Section two hundred and forty-seven, from "for the union" in sub-section one down to "from the place of audit" at the end of sub-section two.
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	Section nine, from "for the audit district" down to "is situate," and from "the auditor shall receive such remuneration" down to "in a summary manner."

42 VICT. CHAP. 10.

AN Act to amend the Poor Rate Assessment and Collection Act, 1869. [23rd May, 1879.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :—

Short title and construction. 32 & 33 Vict. c. 41.

1. This Act may be cited as the Assessed Rates Act, 1879, and shall be construed as one with the Poor Rate Assessment and Collection Act, 1869, in this Act called the Principal Act.

Effect of allowance or deduction as regards qualification or franchise.

2. Where by way of commission or abatement or deduction under the principal Act, or purporting or assumed to be under the principal Act, an allowance or deduction has, before the passing of this Act, been or shall hereafter be actually made, the same shall, for the purpose of every qualification or franchise depending upon rating or upon payment of rates, be deemed to have been duly made in pursuance of every or any agreement, order, notice, or proceeding necessary for the validity thereof under the principal Act, and to have been and to be an allowance or deduction which the overseers were and are empowered to make from the rate under the principal Act; and no qualification or franchise depending upon rating or upon payment of rates shall be defeated by reason of such allowance or deduction not having been made in pursuance of an agreement in writing, order in writing, or notice in writing, or by reason of the want or insufficiency of any agreement, order, notice, or proceeding necessary for the validity thereof under the principal Act, or by reason of any informality or defect in the making thereof; provided always, that this Act shall not relieve any overseers from any liability which they have incurred or may incur by making an allowance or deduction otherwise than in pursuance of the provisions of the principal Act, or affect any remedy for the recovery of the amount of such allowance or deduction.

42 VICT. CHAP. 12.

AN Act to amend the Divided Parishes and Poor Law Amendment Act, 1876. [23rd May, 1879.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

The provisions of section 23 of 39 & 40 Vict. c. 61, not to apply to moneys to which a pauper or pauper lunatic may be entitled as a member of friendly or benefit society.

1. The provisions contained in the twenty-third section of the Divided Parishes and Poor Law Amendment Act, 1876, shall not apply to any moneys which a pauper or pauper lunatic having a wife or other relative dependent upon him for maintenance may be entitled to receive as a member of any friendly or benefit society, but such moneys shall, subject to any deductions for keeping up his membership required by the rules of such society, or any branch thereof, from which such pauper or pauper lunatic is entitled to receive such moneys, be paid or applied by the trustees, committee, or other officers of such society or branch to or for the maintenance of such wife or relative; and where a pauper or pauper lunatic having no wife or relative so dependent upon him is entitled to any such moneys, no claim shall be made under the said Act by the guardians of any union or parish upon any such society of which he is a member, or against any branch thereof, for the expenses incurred in his relief, unless and until the guardians or their relieving officer shall have declared the relief to be given on loan, and shall have, within thirty days thereof, notified the same in writing to the secretary or trustees of the society or branch of which the pauper or pauper lunatic is a member, and as such entitled to receive any payment.

Short title.

2. This Act may be cited as the Poor Law Amendment Act, 1879.

CASES UPON THE STATUTES

CONTAINED IN

VOLS. I., II. AND III.

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43 ELIZ. CHAP. 2, s. 1 (Vol. I., p. 1.)

THE POOR RATE.

LIABILITY OF OCCUPIER TO BE RATED.

Actual occupation, irrespective of title, is the only circumstance which determines rateability to the poor rate: *Kittow* v. *Liskeard*, 31 L. T. (N.S.) 601; L. R. 10 Q. B. 7; 44 L. J. M. C. 23; 39 J. P. 325.

RATING CHALK PITS.

With regard to the assessment of certain chalk pits to the poor rate, it was held that although the convenience and situation of the chalk pits were to be considered in estimating what rent a tenant would reasonably pay, the actual profits derived from working the pits were not material in forming that estimate: *Reg.* v. *Aylesford Union*, 26 L. T. (N.S.) 618; S. C. *Reg.* v. *North Aylesford*, 37 J. P. 148.

RATING OCCUPIERS OF COMMON LAND.

Under the provisions of a special Act of parliament the Conservators of Wimbledon Common were to permit the National Rifle Association to occupy from year to year as

RATING OCCUPIERS OF COMMON LAND—*continued.*

a rifle shooting ground and place for an encampment for the purposes of the annual rifle meeting any part of a certain specified area of the common, together with the butts, targets, and other conveniences for rifle shooting for the time being thereon. The occupation was not to be for more than seventy-seven consecutive days in each year, which days were not to commence earlier than the 1st of May, and were to terminate not later than the 31st of August. The association were empowered to put up a paling round the part occupied by them, and to erect temporary buildings. Prior to the passing of the special Act, the association erected butts for shooting, and also a store shed, used for the storage of materials, except during the annual meetings, when it was intended to be used as a workshop for the repairs of targets, &c. By the terms of the Act, the association were not to acquire any right in or easement over any part of the common, and were to be deemed to be merely in the enjoyment of a statutory privilege over the common. On the 27th of March last, before the period of occupation in that year commenced, a poor rate was made for the parish of Wimbledon, in which the association were rated in respect of the area, the butts, and the store-shed:—*Held*, that with respect to the area and the butts there was no such exclusive occupation as to render them liable to poor rate, but that with respect to the store-shed which was occupied by them for their own purposes throughout the year, they were liable: *Mildmay* v. *Wimbledon*, 41 L. J. M. C. 133; 27 L. T. (N.S.) 265.

RATING SEPARATE PROPERTIES.

Separate properties in one occupation may be rated at their separate value to a tenant although that value is enhanced by the proximity of the premises to other premises in the same occupation which are a losing concern: *Mersey Docks and Harbour Board* v. *Birkenhead*, 29 L. T. (N.S.) 27; 42 L. J. M. C. 141; L. R. 8 Q. B. 745.

RATING ADVERTISING HOARDINGS.

A license in the nature of an easement to erect advertising hoardings upon land in the possession of the licensee does not create in the licensee an occupation of the soil so as to render him liable to be rated in respect of the hoardings. To constitute an occupation of land within the meaning of the Rating Acts by a person erecting hoardings upon the premises of another, there must be either a demise to him of the soil on which the hoardings rest, or they must be permanently attached to the soil as a fixture, and give the actual and exclusive possession of such soil to him: *Reg.* v. *St. Pancras Assessment Committee*, 46 L. J. M. C. 243; L. R. 2 Q. B. D. 581; 41 J. P. 403; S. C. 37 L. T. (N.S.) 126.

RATING CEMENT WORKS.

K. occupied cement works, and also a chalk pit near thereto, and was separately rated for each. Owing to the pit being so near to the cement works he made very large profits, while occupiers of other chalk pits who had not cement works used the chalk only for ballast and other less profitable purposes. It was held, that though the convenience of the position of the chalk was to be considered, yet K. was not to be rated higher for his chalk pit merely because he made a large profit out of it, and he was not bound to disclose his profits to enable the guardians to increase his assessment: *Reg.* v. *North Aylesford*, 37 J. P. 148; S. C. *Reg.* v. *Aylesford*, 26 L. T. (N.S.), 618.

RATING CEMETERY.

A cemetery company sold plots of ground for graves, conveying to the purchasers the legal fee simple in trust that the purchasers might use the plots for burying places according to the rules of the cemetery; and, subject to that, in trust for the company. The company were under such circumstances held liable to be rated as occupiers of the cemetery; and the profits got from the sales were

Rating Cemetery—*continued.*

to be included in the rateable value of the cemetery: *Reg.* v. *Abney Park Cemetery Company,* 29 L. T. (N.S.) 174; 42 L. J. M. C. 124; L. R. 8 Q. B. 515.

Rating Coprolites.

Land which is in a shifting occupation, being worked for coprolites, should be rated in respect of the land actually worked during the year at its enhanced or coprolite value: *Reg.* v. *Whaddon,* L. R. 10 Q. B. 230; 39 J. P. 404; 44 L. J. M. C. 73; 32 L. T. (N.S.) 633.

Rating Docks (*a*).

In the *Mersey Docks Case* it was held that in assessing the harbour board no deduction should be allowed for tenants' profits, nor for interest upon their debt; that the value of the town dues ought not to be added to the assessment; that the board were entitled to a deduction for average deterioration as well as for the actual repairs of each year; and that the expenses of collecting the rates, which should be deducted from the amount, might fairly be computed by dividing the whole expenses of collecting the whole of the revenue of the board rateable according to the respective amounts of dock rates and town dues: *Mersey Docks and Harbour Board* v. *Liverpool,* 29 L. T. (N.S.) 454; 34 L. J. M. C. 33; L. R. 9 Q. B. 84.

The Mersey Docks consist of docks on both sides of the river Mersey, one set at Birkenhead and the other set at Liverpool, and in different parishes. The management by statute is in one board, and vessels might enter the docks at either side on payment of one toll. The docks in the parish of Liverpool were held rateable in that parish according to their actual earnings, and those on the Birkenhead side of the river rateable in like manner in the parish in which they were situated: *Mersey Docks Board* v. *Liverpool,* 37 J. P. 165.

(*a*) Further, on the rating of Docks, see *post,* p. 185.

RATING DOCKS—*continued.*

The rate is to be made on a sum ascertained by calculating the gross earnings of the docks within the parish, and deducting the amount of the necessary expenditure within the same parish. The acreage system is to be resorted to only *ex necessitate rei: Mersey Docks and Harbour Board* v. *Liverpool,* 26 L. T. (N.S.) 868; L. R. 7 Q. B. 643; 41 L. J. M. C. 161.

A person to whom dock accommodation, with user of sheds, quay, space, &c., was allotted, but who had not the exclusive possession of the same, was not rateable; but the docks board were, as they had not parted with the exclusive possession: *Allan* v. *Liverpol; Inman* v. *West Derby and Kirkdale,* L. R. 9 Q. B. 180; 43 L. J. M. C. 69; 38 J. P. 261; 30 L. T. (N.S.) 93.

RATING HOSPITALS.

St. Thomas's Hospital was founded by charter of Edward VI., and lands were given, and the funds arising from the property vested for the purposes of the charter in the mayor and corporation of London. The charter directed the appointment and payment of the officers necessary for such an establishment, and directed that the residue of the revenues should be spent for "the use and maintenance of the poor, sick, and infirm folk of the said hospital." It was held by the House of Lords that the rule laid down in the cases of *The Mersey Docks* v. *Cameron,* 11 H. L. Ca. 443 (Vol. I., pp. 33-34), and *Greig* v. *University of Edinburgh,* L. R. 1 H. L. Sc. 348 (Vol. I., p. 22), applied, and that St. Thomas' Hospital was liable to be rated to the poor rate: *London, Mayor of,* v. *Stratton,* L. R. 7 E. & I. app. 477; 40 J. P. 244; 45 L. J. M. C. 23. See also 30 L. T. (N.S.) 37, in error from the Queen's Bench.

RATING INDUSTRIAL SCHOOLS.

An industrial school certified under 29 & 30 Vict. c. 118, s. 7, and to which the Treasury contributes under

RATING INDUSTRIAL SCHOOLS—*continued.*

sect. 35, is liable to be rated to the relief of the poor: *Reg.* v. *West Derby*, 32 L. T. (N.S.) 400; W. N. 1875, p. 93; 44 L. J. M. C. 98.

RATING MACHINERY.

In a distillery there were tanks so large as to form the entire roof of buildings, refrigerators, mash tuns, pumps, wash-backs, and reservoirs. These articles, which were all heavy, and in some cases screwed down to steady them, constituted, with fixtures, one continuous process necessary for distilling. But all were complete and separate articles, bought and sold as such, and capable of being disconnected and sold again. It was held that as the articles were merely steadied by their own weight, or with the help of screws, and could be detached and sold separately, they were not fixtures, and not included as part of the rateable value of the building for the purpose of the poor rate: *Chidley* v. *West Ham*, 38 J. P. 772; 39 J. P. 310.

The appellant, the owner and occupier of extensive yards and buildings for constructing iron and wooden ships and for manufacturing machinery for such ships, was rated at an enhanced amount in respect of certain machinery and plant placed on the premises and necessarily used for the purposes of his business; amongst them were boilers set in masonry, with pipes passing through the buildings and underground; engines standing on iron bed-plates bolted to stone foundations; shafts fastened to the walls; machines separate from each other upon wooden sleepers bolted to concrete foundations, but removable by unfastening the bolts; and other similar machines resting on prepared beds without fastenings. On a case stated by consent under 12 & 13 Vict. c. 45, s. 11, it was held by the Queen's Bench Division, that though some of the machinery and plant was capable of being removed without injury to itself or to the freehold, yet being essentially necessary and permanently attached to the appellant's business, it was all rightly taken into consideration in

RATING MACHINERY—*continued.*

estimating the rateable value of the premises: *Laing* v. *Bishopwearmouth,* 37 L. T. (N.S.) 781; L. R. 3 Q. B. D. 299; 47 L. J. M. C. 41; 26 W. R. 351; 42 J. P. 68.

RATING MARKET TOLLS.

Tolls authorized to be taken by an Act of Parliament in respect of cattle brought into a market for sale, which tolls become due as soon as the cattle are brought into the market-place, and before the cattle are put into a pen or tied up, are mere market tolls, and not in the nature of stallage or tolls taken in respect of the use of the soil; and in assessing the lessee of the market and tolls to the poor rate, in respect of his occupation of the market-place, such tolls cannot be taken into account as enhancing the value of the occupation: *Reg* v. *Casswell,* L. R. 7 Q. B. 328; 41 L. J. M. C. 108; 26 L. T. (N.S.) 574.

In 1671 a Crown charter gave to Lord S., the lord of the manor, and his heirs the right to hold a market in A. every alternate Tuesday, together with tolls. From 1784 to 1856 a stock market was held, certain payments being made to S., and also to some inhabitants for the use of pens supplied. Certain land occupied by the market was afterwards obtained from S., with assignment of all tolls and profits, and this land was fenced in when not used for market purposes. Some pens were used by particular owners and salesmen: the rest were free for any animals. For all animals toll was paid for admittance to the market:—*Held,* that the occupier was properly rated for the occupation of the soil, as the tolls were apparently incident to that occupation, and were not mere market tolls severed from such occupation: *Percy* v. *Ashford,* 40 J. P. 502; 34 L. T. (N.S.) 579.

By a local Act a market company were incorporated and authorized to regulate the market-places belonging to the corporation of Brecon, and to receive all tolls payable therefrom, which were thereby vested in them. They were, however, by another section to pay to the corporation £210 a year, to be charged on the scheduled tolls,

Rating Market Tolls—*continued.*

markets, and market-places by the Act vested in the company, and to be a first charge on those tolls next after the expenses of receiving them. This annual sum was to be devoted by the corporation to the payment of incumbrances incurred by the building of the old market-place. The company under the authority of the Act constructed new market-places on land vested in them, and collected tolls for the old and new markets. Upon a case stated it was held that the company were not entitled to a deduction of this £210 from the net annual value of their tolls in their assessment to the poor rate: *Brecon Market Company* v. *St. Mary's, Brecon,* 36 L. T. (N.S.) 109; 41 J. P. 325.

Tolls are not rateable in themselves, but a toll-house is increasedly rateable by reason of the facilities which it affords for the collection of the tolls: *Williams* v. *Bedminster Union Assessment Committee,* 34 L. T. (N.S.) 795.

Rating Mines.

The appellant was owner and occupier of iron mines extending over an area of about 310 acres. He was also occupier of about two and a half acres of surface land, part of which was above and part separate from the mines. Upon the surface land were buildings (containing pumping engines, boilers and workshops) and tramways used in bringing and conveying away the ore from the mines. This surface land, &c., apart from the mines, was practically valueless:—*Held,* that although the appellant was not rateable in respect of the iron mines, yet that he was rateable in respect of the surface land, &c., at a rent calculated with reference to the value of such surface land, &c., to the occupier of the mine: (*Rex* v. *Bilston,* 5 B. & C. 851, Vol. I., pp. 44, 45, discussed); *Guest* v. *East Dean,* 129; 41 L. J. M. C. 129; L. R. 7 Q. B. 334; 26 L. T. (N.S.) 442; 36 J. P. 342.

Where a colliery, the pumping engines only of which were at work, and which appeared to be a hopeless loss, was assessed to the poor rate at a rate calculated on the

RATING MINES—*continued.*

land and machinery as a going concern having a prospective value, the court held that the land must be rated at its value to a tenant from year to year, and the machinery at its value independently of the land: *Tyne Coal Company* (*Limited*) v. *Wallsend*, 46 L. J. M. C. 185; 35 L. T. (N.S.) 854.

The appellants were rated to the poor's rate as the occupiers of the surface land of the S. C. Mine, with the houses, buildings, machinery, tramways, and plant. It appeared that they were grantees for a term of years of a sett or license to mine and search for minerals through certain lands, and that they held the license in trust for a Cost Book Company in which they were shareholders, and that the houses, buildings, machinery, &c., were erected within the limits of the land the subject of the license for the general working of the mine. All the houses, buildings, &c., were on the surface land:—*Held*, that the appellants were liable to be rated as occupiers of the land so built upon, and that, even assuming that the grant conferred only a license upon the appellants, they were *de facto* occupiers of the soil, having been allowed to build upon it, and were therefore rateable: *Kittow* v. *The Assessment Committee of Liskeard Union and the Overseers of St. Cleer, Cornwall*, 44 L. J. M. C. 23; 39 J. P. 325; 31 L. T. (N.S.) 601; L. R. 10 Q. B. 7.

RATING OCCUPIERS OF MOORINGS ON RIVER, AND COAL DERRICK.

Appellants were owners of a coal derrick, which rides afloat on the river Thames within the parish of Greenwich, and is retained at the spot where it floats by two single fluke anchors on the side nearest the shore, by two stones on the channel side, and by two stream anchors, one at the head and the other at the stern. The anchors and the stones were merely dropped into the river, but before dropping the stones a small quantity of ballast was removed in the bed of the river so that the stones might lie flat and securely. The stones were merely to serve the purpose of anchors. The derrick was formerly stationed

Rating Occupiers of Moorings, &c.—*continued.*

in another part of the river, and was moved thence to its present position, bringing with it anchors and stones. It had been anchored at the same place for some years, but daily changed its position slightly with the ebb and flow of the tide. By agreement with the Conservators of the Thames, in whom the soil of the bed of the river is vested, and who have the management, and by whose permission the derrick was moored where it was, it was liable to be removed by them to another part of the river. On hearing of summonses against the appellants for non-payment of rates, to which they had been rated in respect of the moorings by which the derrick was attached to the soil, the magistrate found as a fact that the appellants were occupiers of the soil in the bed of the river, on which the moorings were placed:—*Held,* that notwithstanding the finding of the magistrate, there was no such occupation of the soil of the river, upon the facts stated in the case, by the appellants as to make them liable to be assessed to the poor rate: *Cory* v. *Greenwich,* 41 L. J. M. C. 142; 27 L. T. (N.S.) 150; L. R. 7 C. P. 499.

A derrick attached to the soil of a river was held not rateable, as there was no exclusive occupation of the soil, but merely a license to attach the derrick to the moorings: *Cory* v. *Bristow,* L. R. 10 C. B. 504; 32 L. T. (N.S.) 797; W. R. 615; 46 L. J. M. C. 273; 41 J. P. 709.

But by the Court of Appeal of the Supreme Court of Judicature judgment of the court below was reversed, the court holding that derricks attached to the soil under a navigable river by moorings are rateable to the poor rates, for they exclusively occupy a part of the river, because an exclusive occupation is the foundation of rating: *Cory* v. *Bristow,* 40 J. P. 308; L. R. 1 C. P. D. Ca. 54; 44 L. J. Q. B. 168; 33 L. T. (N.S.) 624. And this judgment of the Court of Appeal was affirmed by the House of Lords on appeal from the decision of the Court of Appeal. This rule would be the same as to rating a floating dock attached to the soil or bed of a river in like manner as a derrick so attached: W. N. 1877, p. 47; 36 L. T. (N.S.) 594; L. R. 2 H. L. Ca. 262.

RATING RACE-COURSE.

In assessing a race-course and stands upon it, the hypothetical tenant must be assumed; and to arrive at the rateable value, the takings on the race-course by the tenant from all sources of profit from the occupation must be ascertained as well as the expenses, so as to ascertain what rent a hypothetical tenant would give for liberty to use the land as a race-course. The actual rent paid to the owner of the soil is not necessarily the criterion of value. Therefore, in ascertaining the rateable value of the land used as the race-course the assessment committee may call for the books of the race-course keeper, or may give affirmative evidence of the amounts of the profits made, they being a material element though not an absolute test in determining the rateable value: *Reg.* v. *Verrall*, 45 L. J. M. C. 29; S. C.; *Verrall* v. *Croydon Union*, 33 L. T. (N.S.) 379.

By the Victoria Local Government Act, 1874, s. 253, "all land shall be rateable property except land the property of Her Majesty which is unoccupied or used for public purposes;" and on appeal from the Supreme Court of the Colony of Victoria, the Judicial Committee of the Privy Council held, reversing the judgment of the court below, that land used as a race-course under a demise from the Crown to the Victoria Racing Club for 99 years at a peppercorn rentcharge in trust for the club and for the purposes of the Victoria Racing Club Act, 1871, was rateable, as the land was not within the exemption, not being used solely for public purposes without any beneficial occupation by individuals: *Essendon, Mayor, &c., of*, v. *Blackwood*, 66 L. T. (N.S.) 625; L. R. 2 P. C. 547; 42 J. P. 180.

RATING RAILWAYS.

Under the powers of an Act of Parliament, a railway was constructed from G. to C. for the common purposes of the Great Western Company and the Midland Com-

RATING RAILWAYS—*continued.*

pany, each paying half the cost; on the completion, the half of the railway nearest G. became the sole property of the Midland Company, and the half nearest to C. the sole property of the Great Western Company. Each Company was bound to keep its own half in repair and supply the staff of officials, &c., necessary on that half for the traffic of both Companies. The railway was constructed for broad and narrow gauge traffic, with three rails on each line; and in practice the Great Western Company used the broad gauge and the Midland Company the narrow, so that of the three rails one was used in common and one exclusively by each company. The traffic of the Midland Company far exceeded that of the Great Western Company. Upon this state of circumstances it was held, that there was no rateable occupation by the Midland Company of the Great Western Company's half of the railway, but only an easement, and that the Midland Company were, therefore, not rateable to the poor rate of a parish through which that half of the railway passed; and *Semble,* that the Great Western Company were rateable for their half of the railway in respect of the value of the occupation as enhanced by the profits made over it by the Midland Company: *Midland Railway Company* v. *Badgworth,* 34 L. J. M. C. 25.

A local Act authorized certain Commissioners to rate all persons who should inhabit, hold, or occupy any house, shop, and other buildings within the limits of the Act, and the lands, yards, and gardens attached to and with any of the before-mentioned buildings respectively occupied. A railway company had within the rateable district about a mile and a half of their railway and a station with a station-master's house, a tank and pumping machine, and a yard for coals and trucks. They were rated upon the value not only of the station and premises, but also of the permanent way; and upon appeal against the rate it was held, that the permanent way could not be said to be attached to or occupied with the station: *Great Eastern Railway Company* v. *Harwich Commissioners,* 27 L. T. (N.S.) 543.

RATING RAILWAYS—*continued.*

In assessing to the poor rate a part of a branch line of railway passing through a parish the fact that three other companies would be willing to pay what was equivalent to a large rent for it was to be taken into account as an element in ascertaining the rent at which it might reasonably be expected to let from year to year: *Reg.* v. *London and North Western Railway Company*, L. R. 9 Q. B. 134; 43 L. J. M. C. 81; 29 L. T. (N.S.) 910.

By agreement between a railway company and the C. C. company, the latter, in consideration of the railway company permitting them "to occupy and use a stable for the accommodation of four horses (at or near the C. station of the railway company) undertook and agreed that they would pay the railway company the clear monthly rent or sum of £1 5*s.*, without any deduction (property tax excepted), and undertook and agreed, so long as they should occupy and use the stable, to observe, perform and be bound by the bye-laws, rules, and regulations which should for the time being be issued or prescribed by the railway company for the government and use of their railway stations, premises, and conveniences, and further undertook and agreed to quit and deliver up possession of the stable at the expiration of one month after notice in writing," &c. The stable and the road approaching it were within the station and premises of the railway company. The railway company did not, in point of fact, exercise any control over or use the stables during the currency of the agreement, and none of the bye-laws and regulations mentioned in the agreement were material with regard to occupation of the stable:—*Held*, that the railway company were liable to be rated to the poor rate in respect of the stable, as they remained in occupation of it notwithstanding the agreement:—*Semble*, that where any one is rated for premises in his occupation, and for others which are not, the whole rate is a nullity, and action of replevin is maintainable. *London and North Western Railway Company* v. *Buckmaster*, 44 L. J. M. C. 29; L. R. 10 Q. B. 70; 31 L. T. (N.S.) 835; affirmed on appeal, 33 L. T. (N.S.) 329.

Parts of the appellants' line of railway passes through a district where there are two other competing lines. The

RATING RAILWAYS—*continued.*

appellants' gross takings in the respondents' parish, a part of the district, were more than absorbed by the expenses chargeable for the working thereof, plus the deduction allowed by 6 & 7 Will. 4 c. 96, s. 1, but on the basis of the receipts derived from the enhancement of the traffic on the other parts of the system, the rateable value of the appellants' line in the parish was equal to 45 per cent. of the gross receipts; and it was held, that the appellants were rightly rated at that amount: *London and North Western Railway Company* v. *Irthingborough*, 35 L. T. (N.S.) 327; 40 J. P. 790.

The following is laid down as the proper method of ascertaining rateable value of railways and docks:—

1. A better criterion of the receipts due to the portion of a line of railway within the limits of a parish may be gained by taking the average mileage receipts of the whole line than by taking a mileage division of the gross rates less the amount charged at each end for collection and delivery, although every line may not have have equally contributed to the receipts of the whole line.
2. Whatever part of a goods rate covers ordinary station work at a terminus, should be taken to be receipts of the line to which the terminal station belongs.
3. A railway company provided the working stock of a line of railway, the company being paid for a time at the rate of 1*s.* 1*d.* per train mile and afterwards by a percentage of 33½ upon the total traffic receipts. The amount they received in 1872 was £7,254. This sum it was held should be taken as the aggregate amount of the expenses for locomotive power and repairs of carriages and waggons and relative services, and be divided amongst the parishes according to the train miles run in each. It was further held, that there should be no deduction for profits on capital, but that there should be a deduction for tenants' profits as distinct from profits on capital, and that the amount should be 5 per cent. upon the gross receipts, such percentage to cover outlay on floating capital, stores, furniture, and the like.

RATING RAILWAYS—*continued.*

4. The main line of a railway company ran through a certain parish for a distance of two miles and eight chains, the gross receipts in the parish were ascertained by dividing the gross rates by mileage between the forwarding and receiving stations after deducting in the case of the merchandize traffic the amount charged at each end for collection and delivery. This was held to be a proper mode of calculating such receipts provided a deduction for cartage is made at the clearing-house, and that, as regards local traffic, only what the company expend in carting goods carried at carted rates, and a reasonable profit thereon, be taken off the gross rate.

5. A railway company owned and occupied certain docks, which on their seaward side are employed in the accommodation of shipping and the transit of goods by sea. In other respects they were an adjunct of the railway. The company were held liable to be rated for such docks; but the rateable value was to be ascertained in the following manner:—From the estimated value of the docks should be deducted the value of such portions as gave to the company an income arising from dock dues and the like so as only to charge them with expenses relating to the maintenance and repair of the docks, locks, and wharves, the hydraulic apparatus, and the pay of the staff employed in and about the admission and despatch of vessels; and if the receipts were not equal to the expense, the company should only be rateable for this land according to its unimproved value, the other receipts in the docks being brought into the company's railway account:

Manchester, Sheffield, and Lincolnshire Railway Company, and *Trent, Ancolme, and Grimsby Railway Company* v. *Caistor Union; and the same* v. *the Glanford Brigg Union*, 32 L. T. (N.S.) 264, in the Court of the Railway Commissioners.

RATING TRAMWAYS.

The owners of tramways constructed under the provisions of the Tramways Act, 1870 (33 & 34 Vict. c. 78), are rateable to the poor rate in respect of the occupation of the soil by the tramways so constructed though the public may still use the surface of the rails as part of the highway: *Pimlico, Peckham and Greenwich Street Tramways Company* v. *Greenwich Union Assessment Committee*, 29 L. T. (N.S.) 605; 43 L. J. M. C. 29: L. R. 9 Q. B. 9; 38 J. P. 117.

In assessing the rateable value of tramways, the annual gross traffic receipts earned over the entire system must be taken as the basis of the estimate of the rent, and the net receipts in each parish as the criterion of the rateable value in each parish: *London Tramways Company (Limited)* v. *Lambeth*, 31 L. T. (N.S.) 319.

Where a tramway route begins and ends in the same parish, the net receipts of that route is the value upon which the tramway owners must be rated.—*Ibid.*

Where a tramway route extends through two or more parishes the fairest practicable mode of apportioning is by dividing the receipts from each district service route in proportion to the lineal mileage of such route in each parish respectively.—*Ibid.*

The general expenses, except horse expenses, should be allowed proportionately to the number of car miles run over in each parish upon each of the several district service routes therein.—*Ibid.*

RATING WATERWORKS.

According to the true construction of 11 & 12 Vict. c. 63, s. 93 (now 38 and 39 Vict. c. 55, ss. 56, 67) a local board are bound to make an estimate of the sum they actually require for the maintenance of waterworks and could not levy a larger sum by a water rate than they were so estimated to require. They are therefore rateable to the poor rate only in respect of the profit they actually derive from the occupation of the waterworks and not in

RATING WATERWORKS—*continued.*

respect of the profit which a company, occupying the works solely for the purpose of profit, might make: *Worcester, Mayor, &c., of* v. *Droitwich Assessment Committee,* L. R. 2 Exch. D. 49; 43 L. J. M. C. 81; 36 L. T. (N.S.) 186; 41 J. P. 355: affirming the decision in the court below, 34 L. T. (N.S.) 288; 40 J. P. 421.

Where a statute prohibited a corporation from making any profit by the supply of water to a district, the court held that they were not to be rated as a trading company making a profit, but the actual receipts were the measure of the gross estimated rental: *Liverpool, Mayor, &c., of* v. *Wavertree,* 39 J. P. 101; L. R. 2 Exch. D. 55.

RATING WORKHOUSE.

With regard to rating a workhouse situated in a parish to which it does not belong *Holborn Union* v. *St Leonards, Shoreditch,* 28 L. T. (N.S.) 106; 37 J. P. 71, may be referred to. The case, however, has no general application.

43 ELIZ. CHAP. 2, s. 6 (Vol. i., p. 80).

CHILDREN AND GRANDCHILDREN.

The word "children" in 43 Eliz. c. 2, s. 6, does not include grandchildren, and a grandchild is therefore not liable for the maintenance of his grandfather: *Maund,* app., *Mason,* resp., L. R. 9 Q. B. 254; 29 L. T. (N.S.) 837; 43 L. J. M. C. 62; 38 J. P. 583.

BANKRUPTCY OF PERSON ON WHOM ORDER OF MAINTENANCE IS MADE.

It is a criminal offence for a person to disobey an order of justices to maintain an indigent relative who is chargeable to the poor rates; and, therefore, a bankrupt who disobeys such order, and is imprisoned in default of distress, is not entitled to his discharge under the usual

BANKRUPTCY OF PERSON, &c.—*continued.*

bankrupt's certificate: *Bancroft* v. *Mitchell*, 31 J. P. 693; 8 B. & S. 558; 16 L. T. (N.S.) 558; 36 L. J. Q. B. 257; L. R. 2 Q. B. 549.

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14 CAR. 2. CHAP. 12, s. 1 (Vol. i., p. 88).

TIME OF APPLICATION FOR WRIT OF MANDAMUS.

The general rule that application for a writ of mandamus to the quarter sessions to enter continuance and hear an appeal must be made not later than the term following the sessions at which the refusal was made, does not apply to an application to remove an order of sessions touching the removal of a pauper for the purpose of getting it quashed: *Reg.* v. *Brecknockshire JJ.*, 42 L. J. M. C. 135.

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9 GEO. 1, CHAP. 7, s. 8 (Vol. i., p. 213).

ORDER OF REMOVAL—APPEAL.

A person who induces quarter sessions to act upon an objection which turns out to be ill-founded and to refuse to hear an appeal, and who substantially litigates the point up to the time of cause being shown against a rule which had been obtained for a mandamus to the sessions to hear the appeal, will have to pay the costs of the rule, though he does not actually show cause against the rule: *Reg.* v. *Birmingham*, 44 L. J. M. C. 48.

The notice of grounds of removal of a female pauper having alleged a settlement in the appellant parish gained by the pauper's deceased husband by renting a tenement and payment of taxes under 4 & 5 Will. 4, c. 76, s. 66, the quarter sessions, though of opinion that a good settlement under that statute had not been proved, and though no other was alleged in the notice, upheld the order of removal on the ground that a good settlement had been proved by payment of rates under 6 Geo. 4, c. 57, s. 2,

ORDER OF REMOVAL—APPEAL—*continued.*

and the court held that the sessions had jurisdiction to confirm the order of removal on a ground not stated in the notice: *Cheltenham* v. *Birmingham*, 30 L. T. (N.S.) 702; 39 J. P. 39.

The Kent Easter Quarter Sessions, 1872 (*Rye Union*, app., *Malling Union*, resp., M.S.), on the authority of *Reg.* v. *Shrewsbury JJ.*, overruling *Reg.* v. *Brixam*, dismissed an appeal against an order of removal on the admission of the respondents that no notice of chargeability had been served in accordance with the statute, that therefore there was nothing for the appellants to appeal against, as no grievance could arise until such notice was served, and the Court dismissed the appeal with costs against the appellants.

In the above case the order of removal was registered as a letter and sent through the post addressed on the outside of the paper as follows:—

To the Guardians of the Poor of the Rye Poor Law Union,
Rye, Sussex.

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17 GEO. 2, CHAP. 38, s. 4 (Vol. i., p. 232).

CALCULATION OF DATE OF NOTICE OF APPEAL.

In the county of L. the quarter sessions are held at L., and then adjourned a fortnight later to K. An appeal was brought againt a decision of an assessment committee on the 16th June, and there was no time to give notice in time for the sessions at L., though there was for the adjourned sessions at K., within which the matter of appeal arose. The appellant gave no notice of appeal from the sessions at K. on 28th June, but gave notice for the next sessions at L. on the 18th October; and it was held that the appellant was right in treating the sitting at L. as the date for calculating notice, and that the justices were wrong in refusing to hear him at the adjourned sessions at K. next following the sessions of the 18th October: *Reg* v. *Lancashire JJ.*, 40 J. P. 438; 34 L. T. (N.S.) 124.

Appeal to High Court of Appeal from Decision of Court of Queen's Bench Division.

On an appeal against a poor rate to quarter sessions that Court granted a case for the opinion of the Queen's Bench Division, and the latter Court affirmed the order of sessions. An appeal having been brought against the decision of the Queen's Bench Division to the High Court of Appeal, the Lords Justices were equally divided and there was no further appeal to the Court of Appeal: *Walsall* v. *London and North Western Railway Company*, 42 J. P. 644; 26 W. R. 705; 38 L. T. (N.S.) 665; W. N. 1878, p. 118. But on appeal to the House of Lords their lordships held that as by sect. 19 of the Judicature Act, 1873, the Court of Appeal has jurisdiction and power to hear and determine appeals from any judgment or order (with certain exceptions) of the High Court of Justice or of any judges or judge thereof. Under that section the Court of Appeal have jurisdiction to entertain an appeal from a decision of the Queen's Bench Division upon a rule for quashing an order of Quarter Sessions as to the validity of a rate: *Walsall* v. *London and North Western Railway Company*, an appeal from the Court of Appeal in England, 39 L. T. (N.S.) 453; 43 J. P. 108; L. R. 4 H. L. (E.) 30.

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58 GEO. 3, Chap. 69, s. 2 (Vol. i., p. 380).

Voting by Ballot at Vestry Meetings.

With regard to voting by ballot at a vestry meeting V.-C. Bacon said the objections to a poll by ballot expressed by Lord Eldon in *Edenborough* v. *Archbishop of Canterbury*, 2 Russ. 108, are no longer of weight in the present day, and a poll by ballot, if duly resolved upon, would not in 1875 have been illegal: *Shaw* v. *Thompson*, W. N. 1876, p. 185; L. R. 3 Ch. D. 233; 45 L. J. Ch. 827.

TIME OF CLOSING A POLL OF INHABITANTS.

The closing of a poll of the inhabitants is a matter in the discretion of the chairman of the vestry, which the Court will not interfere with if it be not shown to have been unreasonably exercised. Moreover, the chairman's decision must be promptly questioned: *Reg.* v. *Handborough*, 37 L. T. (N.S.) 400; 41 J. P. 807.

TIME OF HOLDING VESTRY MEETING.

The authority that gives notice of a vestry meeting have power to fix the time at which the meeting is to be held; and it is not competent for the parishioners in vestry assembled to pass a resolution that all future meetings be held at a given hour in the evening or any other part of the day: *Reg.* v. *Vicar and Churchwardens of Tottenham*, 40 L. T. (N.S.) 255, W. N. 1879, p. 76.

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59 GEO. 3, CHAP. 12, s. 7 (Vol i., p. 394).

LIABILITY OF SURETY.

If an employer discovers the unfaithfulness of his servant, whose honesty has been guaranteed by another, and does not disclose the servant's unfaithfulness, the guarantor will be exonerated from making good any subsequent loss to the employer by the dishonesty of the servant: *Phillips* v. *Foxall*, 27 L. T. (N.S.) 231; L. R. 7 Q. B. 666.

If an employer continues to employ a servant after knowledge that he has committed a breach of a surety bond, whether accompanied by dishonesty or not, of the duty for the due fulfilment of which another has become surety, without the consent of the surety, to a continuance of the service, the employer can no longer hold the surety responsible under the bond: *Sanderson* v. *Aston*, 28 L. T. (N.S.) 35.

QUO WARRANTO FOR OFFICE OF ASSISTANT OVERSEER.

On the return to a rule for a *quo warranto* for the office of assistant overseer, the Court held that if the

Quo Warranto for Office, &c.—*continued.*

election was really contrary to the will of the inhabitants, the inhabitants could revoke it by another meeting, and it was not necessary to resort to the cumbrous and costly proceeding by *quo warranto*, even if that proceeding were available at all for the office of assistant overseer, which the Court doubted. The application was therefore dismissed with costs: *In re Simpson, in re Tudhoe*, MS. and *Times*, 11th November, 1870.

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59 GEO. 4, Chap. 12, s. 17 (Vol. i., p. 401).

Charity Property.

Certain property or estate consisted of freehold houses within the parish, but as to some of them the sources from which they were derived were unknown, and as to others the title deeds had been destroyed by the great fire of London. The leases of the property had been usually granted by the vicar and churchwardens for the time being, and the income of the property was applied to parish purposes. This was held by the Master of the Rolls to be charity property, rendering the parish authorities liable to account for it to the Charity Commissioners: *In re St. Bride's, Fleet-street* v. *Church Parish Estate*, W. N. 1877, p. 95; affirmed on appeal, *ib.* p. 149.

59 GEO. 4, Chap. 83, s. 4 (Vol. i., p. 433).

Married Woman Deserting her Children.

A married woman who, deserted by her husband and having no means of maintaining her children leaves them, so that they become chargeable to the parish, cannot be convicted for running away and leaving them chargeable under 5 Geo. 4, c. 83, s. 4: *Peters* v. *Cowie*, L. R. 2 Q. B. D. 131; 36 L. T. (N.S.) 107; W. N. 1877, p. 25; 41 J. P. 597.

6 GEO 4, CHAP. 57, s. 2 (Vol. i., p. 448).

SETTLEMENT BY RENTING A TENEMENT.

One who had agreed to hold a public-house for the term of three calendar months thenceforth next ensuing at the rent or sum of £15 per quarter, the landlord agreeing that he should continue to occupy the premises as tenant from quarter to quarter at the like rent, until the receiving or giving three months' notice to quit by either of the parties, ending at one of the usual quarter days in the year, did not thereby acquire a settlement by renting a tenement under 6 Geo. 4, c. 57, s. 2: *Reg.* v. *Norwich*, 30 L. T. (N.S.) 704; 38 J. P. 677.

The Statute 6 Geo. 4, c. 57, applies only to the case of a tenant and not to a person who occupies his own property: *Gainsborough* v. *Worksop*, 37 J. P. 293.

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4 & 5 WILL. 4, CHAP. 76, s. 38 (Vol. i., p. 553).

ELECTION OF GUARDIANS—QUO WARRANTO.

Before the Court will grant a *quo warranto* information, it requires to be satisfied that there is a substantial grievance; merely showing that the mode of election is one likely to cause a grievance is not enough: *Reg.* v. *Cousins*, 28 L. T. (N.S.) 116; 42 L. J. Q. B. 124.

PUBLICATION OF REPORT OF PROCEEDINGS OF GUARDIANS —PRIVILEGE—LIBEL.

The publication in a newspaper of an account of a meeting of a board of guardians at which a report or statement was made by the chairman of the workhouse visiting committee, which alleged acts of misconduct on the part of the workhouse medical officer in neglecting to attend on several occasions when sent for to pauper patients, is not privileged. By the Court—the administration of the poor laws throughout the country was matter of public interest, but the occasion was not one

Report, &c.—Privilege—Libel—*continued.*

which justified the publication. The meetings of poor law guardians are not necessarily public; the report was only an *ex parte* statement grievously affecting the character of a medical officer, and might or might not be true, and the guardians would have done well not to have admitted strangers: *Purcell* v. *Sowler,* W. N. 1877, p. 28; 41 J. P. 789. Affirming the decision of the Common Pleas Division in *Purcell* v. *Sowler,* L. R. 1 C. P. D. 781.

Action for Libel—Privilege.

If the clerk to a Board of Guardians is acting in a matter in the course of his duty, and writes a letter without malice, the writing of it is privileged, and he is not liable to an action for libel: *Keight* v. *Hill,* 43 J. P. 176.

4 & 5 WILL. 4, Chap. 76, s. 46 (Vol. i., p. 560).

Appointment of Officers under Seal.

An appointment of a clerk to a master of a workhouse by the guardians at an annual salary is not binding unless under seal; *Austin* v. *St. Matthew, Bethnal Green,* L. R. 9 C. P. 91; 38 J. P. 248.

The appointment by a corporation, such as a board of poor law guardians, of a person to be "medical officer" to the corporation for any fixed or definite period of time ought to be under seal: *Dyke* v. *St. Pancras Board of Guardians,* 27 L. T. (N.S.) 342.

4 & 5 WILL. 4, Chap. 76, s. 54 (Vol. i., p. 569).

Responsibility of Relieving Officer if he Refuse Relief.

A relieving officer has no absolute discretion in deciding what is a case of urgent necessity; and a relieving officer having refused relief in an alleged case of urgent necessity, and being convicted, under 4 & 5 Will. 4, c. 76, s. 98, for such refusal, the Court being of opinion that the convicting justice was right in his view of the facts, refused to quash the conviction: *Clark* v. *Joslin,* 27 L. T. (N.S.) 762.

4 & 5 WILL. 4, Chap. 76, s. 77 (Vol i., p. 580).

Guardian supplying Goods for Poor.

A relieving officer purchased a bedstead for an out-door pauper at the shop of a guardian who carried on business in partnership with his son. The son sold the bedstead without his father's knowledge. On a case stated on conviction of the guardian under sect. 77 of 4 & 5 Will. 4, c. 76, it was held that a guardian is a person appointed to an office concerned in the administration of the poor laws; and that the guardian had in this case furnished or supplied for his own profit, or on his own account, goods for or in respect of the money ordered by the guardians to be given in parochial relief to a person in the union, within the terms of the Act: *Davies* v. *Harvey*, 30 L. T. (N.S.) 629; W. N. 1874, p. 126; 43 L. J. M. C. 121; L. R. 9 Q. B. 433.

4 & 5 WILL. 4, Chap. 76, s. 104 (Vol. i., p. 603).

Notice of Action.

Under 4 & 5 Will. 4, c. 76, s. 104, the guardians are entitled to notice of action in an action brought against them for false imprisonment in a matter connected with the removal of an alleged lunatic from the workhouse to an asylum: *Walker* v. *Nottingham Board of Guardians*, 28 L. T. (N.S.) 308.

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5 & 6 WILL. 4, Chap. 69, s. 3 (Vol. i. p. 614).

Parish Property—Attornment by Payment of Rent to Overseers.

The fact that there has been no meeting of ratepayers to authorize the letting or notice to quit will not be

ATTORNMENT—*continued.*

material if there has been an attornment by payment of rent to succeeding overseers: *Eskdale* v. *Sopwith,* 41 J. P. 326.

5 & 6 WILL. 4, CHAP. 69, S. 7 (Vol. i., p. 618).

GUARDIANS SUING AS COMMON INFORMER.

A corporation cannot sue for penalties as a common informer, unless expressly empowered by statute so to sue; therefore a board of guardians being a corporation cannot sue for a penalty under the Act 1 & 2 Will. 4, c. lxxvi. s. 45, which imposes a penalty on coal dealers who knowingly sell one sort of coals for another within the metropolis: *St. Leonard, Shoreditch Guardians* v. *Franklin,* L. R. 3 C. P. D. 377; W. N. 1878, p. 166; 42 J. P. 727.

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6 & 7 WILL. 4, CHAP. 71, S. 64 (Vol. i., p. 629).

EVIDENCE OF OWNERSHIP OF LANDS.

The tithe commutation maps were not intended by the Act to be evidence as between two persons of the ownership of lands: *Wilberforce* v. *Hearfield,* W. N. 1877, p. 151.

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3 & 4 VICT. CHAP. 54, S. 2 (Vol. ii., p. 695.)

LUNATIC PRISONER—LIABILITY OF GUARDIANS FOR COSTS OF MAINTENANCE.

Where the keeper of a private asylum received an insane prisoner by virtue of a warrant of a Secretary of State under 3 & 4 Vict. c. 54, and the guardians of a union during thirteen years paid him for maintenance a certain weekly sum, which was a reasonable sum in that behalf:—*Held,* that the inference was, that either there had been an order of justices for payment of such sum or an

LUNATIC PRISONER—LIABILITY OF GUARDIANS—*continued.*

arrangement to pay the said or a reasonable sum during the time the lunatic was kept, and that as the lunatic was not removed, and the keeper could not turn him out, the guardians were bound to pay the keeper at the same rate: *Pegge* v. *Lampeter Union,* 41 L. J. C. P. 204; L. R. 7 C. P. 366; 27 L. T. (N.S.) 269. Overruled, *ibid,* 43 L. J. C. P. 181; L. R. 9 C. P. 373; 31 L. T. (N.S.) 132.

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6 VICT. CHAP. 18, SS. 17, 101.

SERVICE OF NOTICES OF CLAIMS TO VOTE AND OBJECTIONS UPON COLLECTOR OF POOR RATES.

The collector of poor rates is an overseer within the meaning of sects. 17 and 101 of 6 Vict. c. 18; therefore, a notice of claim to vote served at his office upon the collector appointed for a district of parishes is a good service on the overseers at the place for transacting parochial business within the meaning of 6 Vict. c. 18, s. 101: *Green,* app., *Mepham,* resp., 43 J. P. 72; W. N. 1878, p. 224; 39 L. T. (N.S.) 450.

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7 & 8 VICT. CHAP. 101, s. 32 (Vol. ii., p. 784).

AUDITOR'S COSTS.

Even though an auditor may fail to recover the money which he certifies to be due, he is entitled to be paid his costs by the guardians: *Prest* v. *Royston,* 33 L. T. (N.S.) 564.

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8 VICT. CHAP. 18, s. 133 (Vol. ii., p. 818).

WORKS COMPLETED IN PART.—LIABILITY OF COMPANY TO MAKE GOOD DEFICIENCY OF POOR RATES.

With reference to an Act for constructing a railway, it was held that as soon as a portion of railway which lay within a parish was completed and worked as a railway, it became "liable to be assessed," and that the company ceased as to

WORKS COMPLETED IN PART, &c.—*continued.*

that portion to be liable to make good the deficiency in the rates: (*Reg.* v. *Metropolitan District Railway Company*, Vol. i., p. 56, commented on); *Whitechurch* v. *East London Railway Company*, 41 L. J. M. C. 123; L. R. 7 Exch. 248; 26 L. T. (N.S.) 635; but on appeal it was held that the liability of a railway company under sect. 133 of 8. Vict. c. 18, to make good the deficiency in the poor rate does not cease until the whole of the railway authorized by the local Act has been completed: *East London Railway Company* v. *Whitechurch*, 30 L. T. (N.S.) 412; 38 J. P. 484; 43 L. J. M. C. 159; L. R. 7 E. & I. app. 81.

Plaintiffs were the churchwardens and overseers of St. Mary, Lambeth, from Easter, 1871, to Easter, 1872, but they were not for the previous years. By the Thames Embankment Act, 1863 (26 & 27 Vict. c. 75), defendants were authorized to construct an embankment on the right bank of the Thames, new streets and other works in the plaintiffs' parish. By sect. 14, when the roadway and new streets respectively were completed, of which completion a certificate signed by the chairman of the defendants' board was to be conclusive evidence, the same with the power of rating the hereditaments within the same respectively, were to be under the jurisdiction of the same persons as the other streets in the parishes in which the same were respectively situated. The Thames Embankment Act, 1863, also incorporated the Lands Clauses Consolidation Act, 1845, s. 133, of which enacts that "if the promoters of the undertaking become possessed, by virtue of this or the special Act, or any Act incorporated therewith, of any lands liable to be assessed to the poor rate, they shall, from time to time, until the works shall be completed and assessed to such poor rate, be liable to make good the deficiency in the several assessments for poor rate by reason of such lands having been taken or used for the purpose of the works, and such deficiency shall be computed according to the rental at which such lands with any building thereon were rated at the time of the passing of the special Act, and on demand of such deficiency, the promoters of the undertaking or

Works Completed in Part, &c.—*continued.*

their treasurer shall pay all such deficiencies to the collector of the said assessments respectively." The defendants in 1865 proceeded with the execution of the works, and took various lands in the plaintiffs' parish. On the 11th of May, 1870, the chairman certified that the roadway and new streets were completed:—*Held*, that the defendants were liable to pay the deficiency in poor rates on lands taken by them under the powers and for the purposes of the Thames Embankment Act up to the 11th of May, 1870, and that plaintiffs could enforce payment in a lump sum of the arrears of deficiency in the poor rate up to that date: *Stratton* v. *The Metropolitan Board of Works*, 44 L. J. M. C. 33; L. R. 10 Q. B. 76.

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9 & 10 VICT. Chap. 66, s. 1 (Vol. ii., p. 845).

Poor Removal—Break of Residence.

The following illustrates what is a break of residence. The pauper, a tailor having resided in the parish of B. for 45 years, was admitted into the workhouse and worked there at his trade. R., a tailor residing in the neighbouring parish of S. being in want of a hand, the master tailor of the workhouse told the pauper that he might go to R., and if R. and he did not agree he might come back. The pauper went to R. in the parish of S. and worked for him at 3*s.* a week with board and lodging for ten weeks, when R. and the pauper not agreeing the pauper came back to the workhouse. If they had agreed the pauper might have continued working for R. and R. told the pauper that he might stay as long as he thought proper. Under these circumstances, the Court held that there was a break of residence in B. and that the pauper was removeable: *Reg.* v. *Birmingham*, L. R. 9 Q. B. 340.

A husband left his home in England with the consent and knowledge of his wife for Australia, and for some years regularly corresponded with her. The correspondence having suddenly ceased and nothing heard of the

Break of Residence—*continued.*

husband, inquiries were made, when it was found that he had been living with another woman as his wife who had borne him three children. This was held to be evidence of an intention to desert from the time when the intimacy with the woman in Australia commenced, and from the time when the correspondence with the wife at home ceased: *Stickland* v. *Stickland*, 35 L. T. (n.s.) 767.

The following was held to be a break of residence: Pauper having received notice to quit premises which he occupied arranged to take a house within another union, and on the 10th May, 1876, removed into the house with his family and slept there one night, not knowing that he was removing into another union. On the next day he was told that his residence in the respondents' union had been broken and at once returned to a house in a parish within that union: *Newark* v. *Glanford Brigg*, L. R. 2 Q. B. D. 522; 36 L. T. (n.s.) 793.

Pauper had lived twenty-eight years in a parish from which she was ordered to be removed. During the last four years she was at intervals in the workhouse, and had no other place of residence. Upon leaving the workhouse in 1870, she was for six weeks in domestic service in the parish, after which, finding herself too old for such service, she left, saying that she wished to have a holiday. She stayed six days out of the parish with a son and a friend. She then returned to the workhouse of the parish, from which she was afterwards removed to her place of settlement:—*Held*, that there was no break of residence, although the pauper had no place of residence to which she could return: (See *Reg.* v. *Glossop*, vol. 2, pp. 846, 849); *Reg.* v. *St. Ives*, 26 L. T. (n.s.) 393; L. R. 7 Q. B. 467; 41 L. J. M. C. ~~41~~ 94

How, when no actual Removal has taken place.

An order for removal of a pauper was made in 1810, but no actual removal took place under it, though the parish against which the order was obtained paid the relief, and the pauper remained so relieved down to his death in 1844. There was no evidence of his ever having

POOR REMOVAL—*continued.*

been removed, nor any record of an appeal against the order of removal. It was held that the payment of relief without actual removal amounted to execution of the order and was good evidence of the settlement: *Clifton Union* v. *Liverpool,* 41 J. P. 599; S. C. *Reg.* v. *Clifton,* 46 L. J. M. C. 209.

9 & 10 VICT. CHAP. 66, s. 2 (Vol. ii., p. 854).

WIDOWS.

Appeal against an order of removal of three children under 16 to the appellant union. The mother of the children had become a widow and had married again, the settlement of the father of the children was in the appellant union, but the mother married a man settled in a different union. She was deserted, and the children then became chargeable to the respondent union:—*Held,* that the order was rightly made to remove them to appellant union: *Keynsham Union,* app., v. *Bedminster Union,* resp., 42 J. P. 292; W. N. 1878, p. 114.

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11 & 12 VICT. CHAP. 43, s. 11 (Vol. ii., p. 884).

LIMITATION OF TIME FOR RECOVERY OF RATES.

The words "such complaint" in 11 & 12 Vict. c. 43, s. 11, refer to complaints mentioned in sect. 8, "upon which a justice may make an order for the payment of money or otherwise," and therefore sect. 11 does not apply to proceedings for enforcing a rate by the mere issuing of a distress warrant: *Sweetman,* app., *Guest,* resp., L. R. 3 Q. B. 262; 37 L. J. M. C. 59; 18 L. T. (N.S.) 52.

11 & 12 VICT. CHAP. 111, s. 1 (Vol. ii., p. 902).

UNEMANCIPATED CHILDREN.

The proviso in 11 & 12 Vict. c. 111, s. 1, to 9 & 10 Vict. c. 66, s. 1, applies to all children who have not become

Unemancipated Children—*continued.*

emancipated, whether living with or apart from their parents: *St. Olave's Union* v. *St. George's Union,* 29 L. T. (N.S.) 426, S.C.; *Reg.* v. *St. Olave's Union,* 43 L. J. M. C. 15; 38 J. P. 502; L. R. 9 Q. B. 38.

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12 & 13 VICT. Chap. 45, s. 13 (Vol. ii., p. 927).

Taxation of Costs.

Where the matter of an appeal at quarter sessions is referred to an arbitrator under 12 & 13 Vict. c. 45, s. 13, and the order of reference gives the arbitrator power over the costs, taxation of the costs may take place after the sessions are over at which the award is entered as the judgment of the court, if such be the usual practice, and no objection has been raised at the time: *Southampton Gaslight and Coke Company* v. *Southampton Guardians,* 46 L. J. M. C. 238; L. R. 2 Q. B. D. 371; 36 L. T. (N.S.) 548.

12 & 13 VICT. Chap. 103, s. 16 (Vol. ii., p. 399).

Valuable Security—What is.

A judgment obtained in an action for damages for personal injuries signed in favour of the plaintiff in such action whilst he is in the receipt of relief from a board of guardians is a "valuable security for money belonging to him" within the meaning of sect. 16 of 12 & 13 Vict. c. 103, so as to render him liable in an action at the suit of the guardians under that section to reimburse them the amount expended by them in his relief during the twelve months prior to their bringing such action: *West Ham Union* v. *Ovens,* 27 L. T. (N.S.) 616; 42 L. J. M. C. 29; L. R 8 Exch. 37; 37 J. P. 776.

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13 & 14 VICT. Chap. 57, s. 7 (Vol. ii., p. 948).—(27 & 28 VICT. Chap. 39, s. 7) (Vol. ii., p. 1228).

Payment to Vestry Clerk for making Valuation List.

The vestry of a parish in the metropolis having charged in their accounts a sum of £100 paid to their vestry clerk appointed under 13 & 14 Vict. c. 57, for preparing the valuation list, the auditor disallowed the payment on the grounds (1) That the preparing the list was among the statutory duties of the vestry clerk (sect. 7 of the Act) for which his salary under the Act was to be taken as payment. (2) That the charge was excessive. But the court held that the valuation list was not an assessment; that the amount charged might have been and had been sanctioned by the vestry, and that the claim of the vestry clerk was not restricted to disbursements out of pocket, and quashed the disallowance: *Reg.* v. *Cumberledge*, 36 L. T. (N.S.) 700; L. R. 2 Q. B. D. 366; 46 L. J. M. C. 214.

13 & 14 VICT. Chap. 101, s. 7.

Allowance by Auditor of Justices' Clerk's Fees.

Where a table of fees duly settled at quarter sessions and approved, allowed 1s. for each notice of special sessions for poor rate appeals, and 2s. for fixing the same on the church door, it was held that these items were authorized by 13 & 14 Vict. c. 101, s. 7, and that the overseers were bound to pay such fees, and entitled to be credited by the auditor for the same in their accounts: *Reg.* v. *Dolby*, 41 J. P. 279.

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14 & 15 VICT. Chap. 103, s. 3 (Vol. ii., p. 966).

Election of Guardians—Malpractice.

One who calls at the house of a voter during his absence and asks for his voting paper, places his initials against two of the candidates' names and signs his own name as

Election of Guardians—Malpractice—*continued.*

witness to the voter's mark, getting another person who was present to make a cross, does not falsely assume to act in the name or on behalf of the person entitled to vote: *Bell* v. *Morson,* 40 L. T. (N.S.) 128; 43 J. P. 174.

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15 & 16 VICT. Chap. 81, s. 26 (Vol. ii., p. 984).

County Rate in part of Parish added to Borough.

Before the Boundary Act, 2 & 3 Will. 4, c. 64, the borough of W. did not contribute to the county rate. The 5 & 6 Will. 4, c. 76, s. 117, provided that any borough which in whole or in part contributed before the 2 & 3 Will. 4, c. 64, to the county rate should still contribute; a part of a parish which contributed to the county rate was added by those Acts to the borough of W., for all purposes. On appeal from a decision of the Queen's Bench Division, it was held that the borough of W. was liable to contribute to the county rate in respect of the part so added from the parish: *Reg.* v. *Berks JJ.,* 42 J. P. 196.

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16 & 17 VICT. Chap. 97, ss. 94, 104 (Vol. ii., pp. 1031, 1041).

Property of Lunatic—Fund in Court.

Where a person of unsound mind not found lunatic by inquisition had been maintained in a lunatic asylum by his parish, the whole of the capital of a fund belonging to him which had been paid into court under the Trustee Relief Act was ordered to be applied, so far as it would extend, in discharge of the past charges of the parish for maintenance: *Re Phelp's Trust,* 28 L. T. (N.S.) 350.

M., a pauper lunatic in an asylum, but not found lunatic by inquisition, became entitled to a small fund in court. An order was made in 1856, on petition under the Trustee Relief Act by M., his next friend, directing that he should continue at the asylum until further order, and

Property of Lunatic—Fund in Court—*continued.*

the guardians of the poor of his parish undertaking to maintain him, that £31 a year should be raised out of the fund and paid to the guardians in repayment of the sums to be expended on his maintenance. In 1859, he was removed to the new asylum for his county by order of justices, but without any order of the Court of Chancery. From that time no payments were applied for by the guardians. He remained in the county asylum till his death in 1875. His legal personal representative petitioned for transfer of the fund in court to him. The guardians appeared and claimed maintenance for the past time, but it was held that they could not claim maintenance under the order which ceased to be operative on the lunatic's removal to a fresh asylum:—*Held* also that any claim for maintenance independently of the order was merely a debt of the lunatic, payable by his personal representative in due course of administration, and that the court had no jurisdiction in the matter to order payment of it, but that the whole fund must go to the personal representative: *In Re Marman's Trusts,* L. R. 8 Ch. D. 256; S. C. *In Re Marman's Trust,* W. N. 1878, p. 63.

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22 & 23 VICT. Chap. 49, s. 1 (Vol. ii., p. 1137).

What a Debt, Claim, or Demand.

Each weekly sum ordered by justices to be paid for the maintenance of a lunatic under the Lunacy Acts is a "debt, claim, or demand" due from the guardians within 22 & 23 Vict. c. 49, s. 1: *Reg.* v. *Stepney,* L. R. 9 Q. B. 383; 43 L. J. M. C. 145.

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25 & 26 VICT. Chap. 43, s. 1 (Vol. ii., p. 1174).

Removal of Child from School.

Where the mother of a child (though a Roman Catholic, and the father being dead), had consented to the child being placed in a Protestant school for destitute children,

Removal of Child from School—*continued.*

and afterwards, being in a workhouse, had desired that the child should be removed to a Roman Catholic school, the court refused a *habeas corpus* to remove the child: *In re Turner, Ex parte Turner,* 41 L. J. Q. B. 14.

25 & 26 VICT. Chap. 103, s. 20.

Members of Assessment Committee not Liable for Costs.

An assessment committee being respondents in an appeal against a poor rate, an agreement was entered into which was expressed to be made between the appellants and the assessment committee for and on behalf of the guardians, and by which the rateable value of the subject matter of the rate was referred to arbitration, the costs of the reference and award to be in the discretion of the arbitrators. The award was in favour of the appellants, and directed the "other party" to pay the appellants' costs of the reference and the costs of the award. Upon an action being brought against the assessment committee and certain members of the committee, to recover the costs, it was held that an action would not lie against the assessment committee to recover them, as they merely acted on behalf of the guardians, who were the "other party" to the reference: *Leicester Waterworks Company* v. *Nuttall,* L. R. 4 Q. B. D. 18 S. C.; *Leicester Waterworks Company* v. *The Assessment Committee of the Barrow-on-Soar Union, and Nuttall* v. *Sheffield,* 39 L. T. (N.S.) 624; W. N. 1878, p. 241; 43 J. P. 207.—*Held* also, that a reference to arbitration did not come within 25 & 26 Vict. c. 103, s. 20.

25 & 26 VICT. Chap. 103, s. 21 (Vol. ii., p. 1189).

Alteration in Valuation List.

Where a valuation list has been altered, it must be again deposited for inspection pursuant to 25 & 26 Vict. c. 103, s. 21, otherwise it is invalid, and so will also be

ALTERATION IN VALUATION LIST—*continued.*

any contribution order founded on such list: *Reg.* v. *Chorlton,* 37 J. P. 149; 42 L. J. M. C. 34.

Alterations in a valuation list made upon appeal to the assessment committee under 27 & 28 Vict. c. 39, s. 1, after the list has been approved by them, do not require to be re-deposited and published in the same manner as alterations under the 25 & 26 Vict. c. 103, s. 21: *Reg.* v. *Edmonds,* 43 L. J. M. C. 156; 31 L. T. (N.S.) 237; 38 J. P. 727; L. R. 9 Q. B. 598.

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27 & 28 VICT. CHAP. 39, s. 1 (Vol. ii., p. 1225).

NOTICE TO ASSESSMENT COMMITTEE OF OBJECTION TO VALUATION LIST.

Where an appeal is brought against a rate an appeal cannot be brought against a second rate, though on the same basis, without again first applying to the assessment committee for relief: *Reg.* v. *Great Western Railway Company,* 33 J. P. 598.

The current rate is the rate that was current when the objection was made: *Reg.* v. *Great Western Railway Company,* 38 J. P. 375, *n.,* 822.

Where an appeal is made to an assessment committee who order a rate to be reduced, but their decision is not given till the time for which the rate was made has expired, the overseers must nevertheless treat the decision as applicable to the rate current at the time of the objection, and must refund the overcharge: *Ib.*

The notice required by 27 & 28 Vict. c. 39, s. 1, to be given to the assessment committee before an appeal to quarter sessions must contain all the grounds of appeal, though on some of those grounds the assessment committee may be unable to give relief: *Williams* v. *Bedminster Union Assessment Committee,* 30 L. T. (N.S.) 710.

The notice of objection to the assessment committee and the failure to obtain relief from them are conditions precedent to appealing to the sessions, although the objection be not to the valuation of the property but to its

NOTICE TO ASSESSMENT COMMITTEE, &C.—*continued.*

rateability; therefore in the event of an omision to give notice of objection to the valuation list and notice of appeal to the assessment committee before appealing to the quarter sessions, the court will quash the order of sessions, even in cases where the assessment committee have no power to grant relief: *Reg.* v. *Lancashire JJ.*, 43, L. J. M. C. 116; S. C. *Salford* v. *Salford JJ.*, 30 L. T. (N.S.) 403; 38 J. P. 361.

If there be an appeal against a rate on the ground of statutory exemption, such appeal may be prosecuted without going before the assessment committee, there being no objection to the valuation list, and the committee not being empowered to give relief: *Walsall* v. *London and North Western Railway Company*, 46 L. J. M. C. 102.

A ratepayer aggrieved by his assessment to the poor rate gave notice of objection to the assessment committee under 27 & 28 Vict. c. 39, s. 1. The committee considering that a case then pending in a superior court would govern his case adjourned their decision. The ratepayer thereupon appealed against the rate to the quarter sessions, and it was held, that he had not "failed to obtain relief" from the committee within the meaning of sect. 1; and that the quarter sessions had consequently no jurisdiction to try the appeal: *Reg.* v. *Bedminster Union*, L. R. 1 Q. B. D. 503; 40 J. P. 340; 45 L. J. M. C. 117; 34 L. T. (N.S.) 795; 40 J. P. 743.

27 & 28 VICT. CHAP. 39, s. 4 (Vol. ii., p. 1227).

DUTY OF VALUERS IN MAKING VALUATIONS.

Valuers employed by an assessment committee under 27 & 28 Vict. c. 39, s. 4, to value a farm, furnished a valuation list, giving the estimated average of each of the several fields comprising the farm, but not the gross estimated rental or the rateable value of each or any of the fields separately, but giving those two last-named amounts in lump sums in the proper columns at the end of the several items comprising the entire farm. On a special case stated, it was held by the Exchequer Division that

DUTY OF VALUERS, &c.—*continued.*

such a list was sufficient and in conformity with the requirements of the Act, and that it was unnecessary to give the value of each individual field of the farm separately: *Rawlence* v. *Hursley Union*, 37 L, T. (N.S.) 503.

27 & 28 VICT. CHAP. 39, s. 7 (Vol. ii., p. 1228).

OVERSEERS' COSTS—CONSENT OF VESTRY.

Where overseers incur expense by employing clerks in making a new valuation list or supplemental list, and obtain the consent of the vestry to charge this extra expense on the poor rate, the auditor has no power to disallow the item in their accounts: *Reg.* v. *Chorlton-upon-Medlock*, 40 J. P. 533; L. R. 1 Q. B. D. 62; 45 L. J. M. C. 33; 33 L. T. (N.S.) 526. See also *Reg* v. *Cumberledge*, *ante*, p. 204.

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31 & 32 VICT. CHAP. 110, s. 22 (Vol. ii., p. 1326).

PAYMENT OF RATES BY POSTMASTER-GENERAL.—MANDAMUS.

By the Telegraph Acts, 1868 (31 & 32 Vict. c. 110, s. 22), and 1869 (32 & 33 Vict. c. 73), no duty is cast upon the Postmaster-General to pay the rates imposed by those Acts; and there is no remedy by mandamus against him to enforce the payment of rates made upon the basis of the approved valuation list: *Reg.* v. *Postmaster-General*, 28 L. T. (N.S.) 337; 37 J. P. 196.

31 & 32 VICT. CHAP. 122, s. 27 (Vol. ii., p. 1332).

PIER BELOW LOW-WATER MARK.

The portion of a pier built upon piles below low-water mark, and which is therefore beyond the realm of England, is neither an accretion from the sea nor an extra-parochial place within the meaning of the 27th section of 31 & 32 Vict. c. 122. But, query, if the pier had been built of solid masonry: *Blackpool Pier Company* v. *Fylde Union*, 36 L. T. (N.S.) 251; 46 L. J. M. C. 189; 41 J. P. 344.

31 & 32 VICT. CHAP. 122, s. 33 (Vol. ii., p. 1334).

PROOF OF MARRIAGE.

In proceedings under 31 & 32 Vict. c. 122, s. 33, actual proof of marriage is not required; but cohabitation is good *primâ facie* evidence of the marriage: *Stargot* v. *Westbury*, 37 J. P. 293; W. N. 1873, p. 95.

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32 & 33 VICT. CHAP. 40, s. 1 (Vol. ii., p. 1339).

DISCRETION OF RATING AUTHORITY TO RATE SCHOOL.

In statute 32 & 33 Vict. c. 40, s. 1, the word "may" has not the sense of "must;" and therefore the rating authorities may exercise a discretion in exempting or not exempting Sunday schools or ragged schools from rating: *Bell* v. *Crane*, 29 L. T. (N.S.) 207; 42 L. J. M. C. 122; L. R. 8 Q. B. 481.

32 & 33 VICT. CHAP. 41, s. 4, SUB-SECT. 2 (Vol. ii., p. 1341).

ABATEMENT FROM COMPOUNDED RATE.

It is a condition precedent to the making of a further abatement from the 15 per cent. allowed by the statute that notice should be given by the owner under sub-sect. 2, that he is willing to be rated for any term not being less than one year in respect of all the rateable hereditaments of which he is the owner. If the notice be not given any further allowance to the owner than the 15 per cent. would be illegal: *Bennett*, app., v. *Atkins*, resp, W. N. 1878, p. 230; L. R. 4 C. P. 80; 40 L. T. (N.S.) 66; 43 J. P. 191.

32 & 33 VICT. CHAP. 41, s. 18.

PROOF OF HIGHWAY RATE.

This section does not apply to a highway rate, as the Act is not incorporated with the Highway Acts: *Bird* v *Adcock*, 42 J. P. 308.

32 & 33 VICT. CHAP. 41, s. 19 (Vol. ii., p. 1344).

OCCUPATION BY COLLIERS OF ASSIGNED HOUSES AS TENANTS.

The appellants' workmen in a colliery lived rent free in houses owned by their employers, who filled up their houses with their workmen, giving preference to married men. Married men, for whom there was no house, received allowance for rent, but single men did not. A married man could be called on to go into a house when one was vacant, and, if he did not, would forfeit his allowance. Notice to quit the work was notice to quit the house. It was not necessary to live in a house to perform the work. The owners did not compound for their rates but paid the full amount:—*Held*, under these conditions, that the appellants were entitled to have their names entered in the occupiers' column of the rate-book, under 32 & 33 Vict. c. 41, s. 19, and that the overseers were liable to a penalty under that section for omitting to enter them: *Smith* v. *Seghill*, 32 L. T. (N.S.) 859; L. R. 10 Q. B. 422; 44 L. J. M. C. 114; 40 J. P. 228. Following *Hughes* v. *Chatham*, 5 M. & G. 54; and distinguishing and disapproving *Cross* v. *Alsop*, 23 L. T. (N.S.) 859; L. R. 6 C. P. 315; 40 L. J. C. P. 53.

OCCUPATION OF OFFICES IN A HOUSE.

Several persons were occupiers of offices in a house in a parliamentary borough. The offices communicated with a common hall, and each occupier had exclusive occupation of his several offices, and each had a key of the street door. The landlord occupied part of the premises, but did not sleep there, and was rated, and paid all rates for the whole house, and his name duly appeared in the rate book as the occupier. The occupiers of the offices had not claimed to be rated, or paid any rates; but their respective rents were more than they otherwise would have been in consideration of the landlord paying the rates. Under these circumstances it was held that this was a case of liability on the part of the landlord to pay the rates by agreement with the occupiers, and that under sect. 19 of 32 & 33 Vict. c. 41, the occupiers of the offices were en-

Occupation of Offices in a House.—*continued.*

titled to have their several names inserted in the list of voters for the borough: *Barton,* app., *Town Clerk of Birmingham,* resp., 43 J. P. 24; 39 L. T. (N.S.) 352, follow-*Smith* v. *Seghill, supra,* and disapproving *Cross* v. *Alsop, supra.*

32 & 33 VICT. Chap. 67 (Vol. ii., p. 1360).

Appeal—Jurisdiction of Sessions.

Where by a local Act persons aggrieved by any rate or other matter done in pursuance of that Act, must apply to the guardians of the parish appointed under the local Act before appealing to quarter sessions, it was held upon a rule for a *certiorari* that the quarter sessions had no jurisdiction, there having been no previous appeal to the guardians as provided by the local Act: *Reg.* v. *Middlesex JJ.,* 26 L. T. (N.S.) 902; L. R. 7 Q. B. 653.

32 & 33 VICT. Chap. 67, s. 42 (Vol. ii., 1372).

Operation of Act as to Dates.

The dates in 32 & 33 Vict. c. 67, s. 42 are directory and not imperative, and the Acts directed may be validly done at later dates. The court held that upon the true construction of the Act, and keeping in view its object, which was to have one uniform list every five years, it would be impossible to assume that the Legislature intended that non-compliance with the provisions of sect. 42 should defeat the valuation list. The court would express no opinion, but it might be that an action would lie against the assessment committee, if, through an intentional act on their part, the right to appeal was destroyed by time: *Reg.* v. *Ingall,* 41 J. P. 181; 46 L. J. M. C. 113; 35 L. T. (N.S.) 552.

32 & 33 VICT. Chap. 67, ss. 43—47.

Increased Value.

Increased rents receivable by reason of the connection of water mains with premises constitute an alteration in

INCREASED VALUE—*continued.*

the matters stated in the valuation list within sect. 46 so as to increase the valuation list for the following year: *New River Company* v. *Islington Assessment Committee,* 40 L. T. (N.S.) 322.

32 & 33 VICT. CHAP. 71, s. 32 (Vol. ii., p. 1393).

RATES DUE FROM COMPANY IN LIQUIDATION.

The rule in bankruptcy giving local rates due from a bankrupt, priority over his other debts (Bankrupt Act, 1869, s. 32), does not, under sect. 10 of the Judicature Act, 1875, apply to the case of a company in liquidation: *In re Albion Steel and Wire Company,* L. R. 7 Ch. D. 547.

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35 & 36 VICT. CHAP. 65, s. 3 (Vol. ii., p. 1444).

TIME OF ACT COMING INTO OPERATION.

The Act in contemplation of law for the purposes of an affiliation order came into effect from the commencement of the day on which it received the royal assent: *Tomlinson* v. *Bullock,* L. R. 4, Q. B. D. 230.

35 & 36 VICT. CHAP. 65, s. 7 (Vol. ii., p. 1446).

CORROBORATIVE EVIDENCE.

Evidence in corroboration of the evidence of the mother is admissible, although the particulars to which such evidence testifies happened prior to the begetting of the child: *Cole* v. *Manning,* 35 L. T. (N.S.) 941.

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37 & 38 VICT. CHAP. 54, s. 8 (*ante,* p. 15).

COVENANT IN LEASE TO PAY RATES, &C.

A covenant in a lease of iron-stone mines to pay a certain rent, "free of all rates, taxes, and deductions whatsoever, parliamentary, parochial, or of any other nature," is not a "specific contract to pay the poor rate, in the event of the abolition of the exemption" of iron-stone mines within sect. 8 of 37 & 38 Vict. c. 54, and

Covenant in Lease, &c.—*continued.*

the lessee is therefore entitled under that section to deduct half the poor rate from the rent: *Duke of Devonshire* v. *Barrow Hæmatite Steel Company*, L. R. 2 Q. B. D. (C. A.) 286; 36 L. T. (N.S.) 355; 46 L. J. Q. B. 435. In the court below, 35 L. T. (N.S.) 474: 46 L. J. Q. B. 96.

A covenant by the lessee in a mining lease to pay "all manner of taxes, rates, assessment charges, and impositions whatever . . . which now are or which shall at any time hereafter be imposed upon the said demised mines and premises," is not a specific contract to pay the poor or any other local rates in the event of the abolition of the exemption formerly existing, within the meaning of 37 & 38 Vict. c. 54, s. 8: *Chaloner* v. *Bolckow*, 39 L. T. (N.S.) 134; L. R. 3 H. L. (E.) 944. Affirming judgment of Court below, and following *Duke of Devonshire* v. *Barrow Hæmatite Steel Company*, 2 Q. B. D. 286; 36 L. T. (N.S.) 355.

37 & 38 VICT. Chap. 54, s. 13 (*ante*, p. 16).

Property Exempted from Act.

The Van Mining Company occupied and worked a lead mine under three leases; by one a royalty of one-fourteenth of the minerals obtained under it when ready for smelting, and merchantable on the banks of the works, were reserved to the lessor, or, at his option in lieu thereof, the full value in money; by the second and third, the lessor, who was a different person from the lessor of the first lease, had a reservation for the time being only in money. The company were rated for the machinery and buildings occupied for the purposes of the mine, and the lessor of the first lease for the mine and the royalty or dues reserved in kind; and upon appeal it was held that this was a case within the exemption of the Rating Act, 1874 (37 & 38 Vict. c. 54) s. 13; that the previous rating clauses in that Act did not apply to it, and that therefore the rate was properly made: *Van Mining Company* v. *Llanidloes*, 34 L. T. (N.S.) 692; L. R. 1 Exch. D. (D. C. A.) 310.

39 & 40 VICT. CHAP. 61, s. 34 (*ante*, p. 75).

NON-RETROSPECTIVE OPERATION OF STATUTE.

The operation of 39 & 40 Vict. c. 61, s. 34 is not retrospective so as to include cases where a status of irremovability in accordance with the statutes in that behalf had been acquired and lost before the Act came into operation. Therefore a person who had resided in a parish for a term of three years, but whose residence therein had ended before the passing of the Act, did not acquire a settlement therein under this section: *Reg.* v. *Ipswich*, 46 L. J. M. C. 207; W. N. 1877, p. 100; 36 L. T. (N.S.) 317; L. R. 2 Q. B. D. 269.

RECEIPT OF RELIEF SUBSEQUENT TO THREE YEARS CONFERRING RESIDENTIAL SETTLEMENT BUT BEFORE PASSING OF ACT.

A person who had resided in a parish for a term of three years, and who continued to reside there until the passing of 39 & 40 Vict. c. 61, but who, during the period subsequent to the three years, was in receipt of relief from the union, acquired a settlement under sect. 34: *Brampton Union* v. *Carlisle Union*, 38 L. T. (N.S.) 714; 26 W. R. 776; L. R. 3 Q. B. D. 479; W. R. 1878, p. 156; 42 J. P. 404 n.; 43 J. P. 156.

RESIDENTAL SETTLEMENT OF CRIMINAL LUNATIC IN ASYLUM.

An order of justice for maintenance of a criminal lunatic wife in a lunatic asylum made in respect of a residential settlement acquired by her husband under 39 & 40 Vict. c. 61, s. 34, is a good order though that settlement was acquired after the order of the Secretary of State for the detention of the lunatic in the asylum: *Barton Regis* v. *Clerk of the Peace for Berks*, W. N. 1878, p. 247; 39 L. T. (N.S.) 445; 43 J. P. 4, n. 190; L. R. 4 Q. B. D. 37, 14 C. C. C. 173.

39 & 40 VICT. Chap. 61, s. 35 (*ante*, p. 76).

Derivative Settlement—Settlement of Wife.

The wife of a man who had, while under the age of sixteen and before the passing of 39 & 40 Vict c. 61, derived a settlement from his father, took this derivative settlement of her husband, and not his birth settlement; for the settlement which a son, under the age of sixteen, derives from his father is excluded from the operation of the section, so far as it abolishes derivative settlements: *Great Yarmouth*, app., v. *Clerk of Peace of the City of London*, resp., L. R. 3 Q. B. D. 232; 47 L. J. M. C. 61; 26 W. R. 283; W. N. 1878, p. 22; 42 J. P. 69. See also *Reg.* v. *Hereford*, 43 J. P. 174.

Derivative Settlement of Father of Pauper having a Birth Settlement.

Where a pauper was born in parish A., the legitimate daughter of G. T., and had acquired no settlement in her own right; and her father was born in the parish of D., and also had never acquired a settlement in his own right, and G. T. being the legitimate son of W. T., who acquired a settlement by serving the office of parish constable in the parish of M., G. T. then being under the age of sixteen and unemancipated; upon a case stated, it was held that the case came within the last part of sect. 35 of 39 & 40 Vict. c. 61, and that as the pauper's settlement could not be ascertained without inquiring into her father's derivative settlement, she was settled in the parish of A.: *Woodstock Union* v. *St. Pancras*, W. N. 1878, p. 205; 39 L. T. (N.S.) 256; L. R. 4 Q. B. D. 1.

Retrospective and Prospective Operation of Act.

The 35th section of this Act, which abolished derivative settlements by parentage, except in the case of a child under the age of sixteen, is retrospective as well as prospective. In the case in which it was so decided, the pauper was born in 1841, and resided with his father till

Operation of Act—*continued.*

he was seventeen years of age. The father was seised of a dwelling-house in the appellant union, and acquired a settlement there during the time that the son so resided with him. The son never acquired a settlement in his own right, but before the passing of 39 & 40 Vict. c. 61, s. 35, had acquired in the appellant union a settlement by derivation from his father. Under these circumstances the court held that the case came within the exception in sect. 35, and that the settlement of the son was in the appellant union: *Westbury-on-Severn* v. *Barrow-in-Furness*, 42 J. P. 152; W. N. 1878, p. 32; L. R. 3 Exch. D. 88; 26 W. R. 372; 38 L. T. (n.s.) 315.

39 & 40 VICT. Chap. 61, ss. 35, 36 (*ante*, p. 76).

Quashed Order of Removal—What a "Pending" Order.

By an order of removal from the respondents' parish to the appellants' union, made in 1875, a pauper's settlement was adjudged to be his father's birth settlement; after the passing of 39 & 40 Vict. c. 61, this order was quashed on appeal by the High Court of Justice on the ground that the pauper's settlement was that acquired by his grandfather, neither he nor his father having acquired any settlement in their own right. An exactly similar order was then made between the same parties, which was admittedly in pursuance of sect. 35 of 39 & 40 Vict. c. 61. On a special case reserved for the opinion of the High Court of Justice it was held that, notwithstanding the alteration of the law, the parties were concluded by the quashing of the previous order of removal; and further, that the previous order was pending in respect of the pauper at the time of the passing of the Act 39 & 40 Vict. c. 61, and therefore his settlement was not subject to the operation of the Act: *Barton Regis* v. *Liverpool*, 37 L. T. (n.s.) 713; 42 J. P. 341; 26 W. R. 282; 47 L. J. M. C. 62; L. R. 3 Q. B. D. 295.

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